

1903-027 Chancery Causes: J. W. J. Dickinson vs. Rebecca H. Dickinson
Lee Co.

Folder 1 of 2

Reason, Riner, Gilmer, Riddle, Coomer, Slomp, Barker, Pruitt, Yang,
Shular, Bush, Carter, Dickenson, Thacker

CA-Divorce
T-Vices

-I-

To the Honorable H. A. W. Skeen, Judge of the Circuit Court for Lee County, Virginia:

Humbly complaining, your orator, J.W.J. Dickinson, a citizen of Lee County, Virginia, respectfully represents unto the court that on 20th day of March, 1893, he was married to one Rebecca Riner in Russell County, Virginia; that he and his said wife lived together in peace and happiness until the fall of 1895 in Russell County, Virginia, when they removed to the said County of Lee, where they continued to live together in peace and happiness until the some eighteen months or more ago, when your orator became convinced that his said wife was unfaithful to him; and that, since he arrived at this conclusion, he has had no further intercourse with the said Rebecca, *and that They last cohabited in Lee County.*

Your orator further represents that on the 24th day of March, 1898, his said wife gave birth to a son, whose name is ^{Thomas} Hensley, and your orator believes that he is the father of the said Hensley, and so charges.

Just three years after the birth of the said Thomas Hensley, the said Rebecca gave birth to another child, whose name is Ossie Lee Bell, but your orator does not believe or claim that this last named is his child, but is the child of another man with whom your orator believes the said Rebecca ^mcommitted repeated acts of adultery.

Your orator further alleges that his wife deserted him or left him and went away about November, 1901, but for some months prior to that time your orator had not lived with her, but had been taking his meals with one of his neighbors. When she left, she took with her the child Ossie Lee Bell, but left the boy Thomas Hensley with your orator. Some time afterwards, to-wit, about the first of Jan-

uary, 1902, he took the boy Thomas Hensley to Russell County to visit his grandfather, Thimas Riner, who promised to keep his said son and return him to your orator whenever he should call for him. Since that time, however, the said Rebecca has taken the said child Thomas Hensley and removed with him, as your orator is informed to some point in Washington County, Virginia.

Your orator alleges that his said wife, at his house in Turkey Cove, Lee County, Virginia, and near the same, and on his farm in said Turkey Cove, ~~xxx~~ committed acts of adultery on or about at the 24th day of June, 1900, and at divers other times after that date, and probably also before, and that your orator has never cohabited with the said Rebecca since he first learned of her unfaithfulness, ~~and that said adultery was not forced or brought about by the committed by the procurement or connivance of your orator~~

Your orator is advised that under the facts and circumstances above set out he is entitled to a divorce a vinculo matrimonii, and that he is also entitled to the custody of his child, the said Thomas Hensley Dickinson, and this is the object of this suit.

Your orator prays, therefore, that the said Rebecca H. Dickinson be made a party defendant to this bill; that she be required to answer the same, but she need not do so under oath as that is expressly waived; that upon a hearing of the said cause the bonds of matrimony existing between your orator and the said defendant be annulled and he be given a divorce a vinculo matrimonii; and that the custody of the said child Thomas Hensley Dickinson be given him by the proper order of the court; and that full general relief be granted him. May subpoena issue &c.

L. I. Hyatt

Virginia, Lee County, to-wit:

I, George P.Cridlin, a notary public within and for the county and state aforesaid, do certify that J.W.J.Dickinson this day came before me in my county aforesaid and made oath that the statement contained in the foregoing bill so far as made from his own knowledge are true and so far as made from information derived from other sources, he believes them to be true.

Given under my hand this the ____ 12th day of May, 1902.

Geo. P. Cridlin, N.P.

Plaintiffs costs

Clerk 6.00
Tax 1.50
Shff 1.70
Atty 15.00
Constable 2.80
J.P. 13.60
Wito 11.84
Co Clerk 25
\$51.89

J. W. J. Dickinson

v. { Liu Chey.

Rebecca H. Dickinson.

Bill

1902 2nd May rules bill
filed Spa executed
" 1st June rules cause
set for hearing

July 8th 1903. Decree final
O.B. No 7 Page 319

To the Honorable H. A. Wilkerson Judge of the Cir.
Circuit Court of Lee County, Virginia

The Answer of Rebecca H. Dick-
erson to the Bill of Complaint of J. W. H. Dick-
son, filed against her in this Court.

Respondent having and reserving unto
herself all proper exceptions to the said bill on
account of its manifold errors of law and of
mistatements of fact. For answer thereto or
unto so much thereof as she is advised that
it is material she shoud answer, says -

1. It is true that Respondent intermarried with
the Complainant March 20th 1893 in Russell
County Virginia. But, it is not true that Complainant
and defendant "lived together in peace and
happiness until some eighteen months ago" as alleged.
As a matter of fact there has been little of
peace, and comparatively no happiness in the
family since a very few days after the marriage
up to the time when Respondent in November
1901. was compelled, through the wanton neglect
improvidence, abuse, continually and threats
of violence, actual assault, and cruelty of
the plaintiff. To leave home and seek refuge
for herself and her children, and his chil-
dren, with her parents and kin people.
2. It is not true that defendant has since her said
marriage been guilty of adultery with anybody.
And the attention of the Court is here called to the

Studied avoidance of the name of any Correspondent, under this charge. His failure to do so is a palpable evasion, and an endeavor to tarnish the Character of Respondent, and obtain advice upon a case that has no foundation, save in the diseased and faltering imagination of the Complainant.

3. It is true that the Respondent has during the said Marriage and at the date named in the bill given birth to the two children named, the Eldest Thomas Henaley and the youngest Opie Lee. Bell Dickenson. Both of the said children were born in lawful wedlock and are both in law and in fact the children of the Complainant, the one as much and no more than the other. The belief of the Complainant, as alleged, cannot avail. Such belief if it in fact exists, is unreasonable and has no foundation in fact. and whether he wants to acknowledge the youngest child as his or not. he will have to do so for the purposes of this case. She is not the child of "another man with whom Complainant believes the said Rebecca committed repeated acts of adultery" as he alleges.

4. It is not true that Complainant refrained from marital intercourse or cohabitation with Respondent at any time prior to her departure from home in November 1901.

The youngest child, Opie Lee Beece was born March 24th 1901. Complainant continued to live with and cohabit with Respondent in the marital relation up to the time she left home to go to her father's on the 23rd day of November 1901. At the expense of delicacy, but in vindication of the character which Complainant would destroy, Respondent states that she did actually cohabit with the said Complainant, the very night before she left home Nov 22nd 1901.

5. Respondent denies the allegation that Respondent as his wife deserted him. The charge is "that his wife deserted or left him and went away about November, 1901". It is true that Respondent did leave him at that time and went to the home of her father in Russell County. She was compelled to this step by the continued cruelty of the Complainant. The coal matter was at hand. The Complainant failed to provide either wood or coal for fuel. He frequently told Respondent to leave home, He threatened to put her out of the house and to nail down the windows and nail up the doors. That he would break her damned neck" and that then to know she would stay away. From Respondent lived in bodily fear of him, and much doubt but that he is insane. but she believes and charges that there was method in his madness in as much as he was constantly importuning and threatening her, with the view of extorting

from her a deed to the land upon which they lived, the same having been conveyed to her and the deed therefor having been procured from the papers in the Clerks office of this Court, where the same had been filed in escrow in the Case of George C. Gilman against ^{Rebecca} ~~Rebecca~~ Dickenson.

At the time of leaving home Respondent left the eldest child Thomas Hensley with a friend and neighbor Miss M. E. Jones. From whose custody he was taken a few days after, by his father and carried to the house of Anna Riddle. where he remained until Respondent went back after him about the 23rd December 1901. On this visit Respondent stayed with her neighbors, Mr C. Barker, Jonathan Wyatt, Anna Jones, and Joseph Huler as a guest in their families. On the 31st December she started back to her father in Russell County, accompanied by her said husband and by her said child Thomas Hensley. who has been with her ever since. The said Complainant accompanied Respondent back to her father, for the purpose of inducing her to make to him a conveyance of the land, and whilst there endeavored to enlist the services of members of the family to that end - and threatened to take the said child away from her unless she would agree to make the conveyance - He frequently threatened your Respondent, to deprive her of the custody of said child unless she would

Make to him the said conveyance. Your Respondent has been conveyed to him the said land. And this Respondent believes and charges to be the motive inducing the conduct of Complainant towards her. His denial of the paternity of the youngest child is but a subterfuge. His conduct and utter neglect of both of the children would imply this - in as much as he has been contented accepting to their support for a long time, even before Respondent left home.

Yet long after the birth of the said child although he alleges that he was convinced that Respondent had been guilty of adultery before, he has claimed the said child as his offspring, and has cared and fondled her as such.

7. Respondent again denies that she committed acts of adultery at Complainant's house in Turkey Co., and on his farm in Turkey Co. on or about 21st June 1900 - and at divers other times after that date. The allegation that she was guilty as charged or in any other way - at any other time or place - is absolutely unfounded and false. And again Respondent denies the allegation that Complainant has not cohabited with Respondent as his wife since he claims to have learned of her adultery.

8. Respondent denies that Complainant is entitled to the Custody of the said children or either of them. He is shiftless, and irresponsible. The title to the land is in Respondent, and belongs to her. It was bought from G.C. Gilmer in Respondent's name and was paid for in the main by her. Respondent has by her labor since the marriage worked and made the principal part of whatever was there at the time she left home. She made a hand in the field and on the farm, besides her household duties which she attended to. She plowed and sowed the crops. It was by her labor that the principal part of the purchase money of the land was paid. The children ^{are} of such tender years as to require the care and nurture of their mother, and the Complainant is an unsuitable person by condition and habit to have their Custody. He has no means - as the land is the property of Respondent and belongs to her as her separate estate. Complainant never provided for his family in any degree commensurate with their necessities. And on this account as well as on account of the facts heretofore stated. By reason of his unkind and cruel treatment of Respondent, she is unable to live with him as his wife and therefore asks the Court to protect her by its decree in her separate maintenance. Respondent alleges that Complainant is not a proper person to have charge

and Custody of the said Children.

Respondent understands that Complainant Claims that the said Land was conveyed to him by G.C. Gilman in July 1901. If such a deed has been executed, Respondent Claims and Charges that it was obtained by fraud and Confinement in the face of another deed to her delivered to her as aforesaid in the said suit and purloined or stolen from the Clerks office.

Respondent furthermore understands that there is a paper of record in the County, by which it is claimed that John Respondent by November 1901, agreed to release and surrender to Complainant all rights privileges Claims and interest that she has in and to said Land and her claims to all personal property now owned by Complainant. That this agreement recites the said deed which was made in Eschward which was said to be lost.

Respondent denies that she ever executed such a Contract with reference to the Land. or that she ever made any such release and if any such paper exists, she alleges that the same is a forgery. She did sign an agreement with regard to the personal property and Complainant executed his notes to Respondent for \$250 in consideration of her interest therein. But the said agreement did not embrace the Land or have reference to it.

Respondent denies that G.C. Gliner had any legal right or authority to convey the said land to another after he had conveyed the same to her. And it will strike this Court as a strange thing, to say the least of it, that Complainant should take her release to the land in November 1901, when the same had been conveyed to him in the July proceeding that date.

Certainly all this matter should be fully investigated before the Complainant should be accorded the custody of either of said children in any event.

Respondent prays that this answer may be taken and considered as her cross bill in said suit for divorce. That F.W.G. Dickenson be made a party and required to answer the affirmative allegations thereof. That she be decreed to have the custody of the said children under such terms as the Court may impose. That she be granted a decree of separation or divorce a mensa et thoro from the said marriage with F.W.G. Dickenson. An answer under oath by the said F.W.G. Dickenson is hereby waived. Respondent prays that she be awarded a reasonable sum to be paid by Complainant to enable her to conduct her defense in this behalf. And denying generally all the allegations of Complainant's bill not hereinbefore denied confessed or avoided she prays to be hence discharged with her costs &c.

Higg, Evans & Kemp P. P.

Rebecca H. Dickenson

Plaintiff excepts to paragraph 2 of
this answer as constituting no defense.
July 9th 1902.
L. T. Hyatt, Atty. for Plff.

Reuben M. Dickerson
and Answer
L. M. J. Dickerson
1902 1st June rule
Answer filed.
W. B. Munsey Clerk

J. W. J. Dickenson,

vs.

Rebecca H. Dickenson.

On application of the defendant by counsel supported by affidavits, which application was resisted by the ^{plaintiff} defendant supported by statement of counsel, which is considered as an affidavit, the defendant is awarded the sum of \$50.00 with which to prosecute her defence to this suit, and unless plaintiff pay said sum within twenty days of this date, execution may issue therefor.

And thereupon the said defendant filed her demur^{to} the plaintiff's bill, and the court having considered the said demur^{doth} sustain the same.

^{Thereupon} And on motion of the plaintiff leave is granted to amend ^{his} his bill, and said amendment being made ^{at bar} ~~in part~~, the ^{defendant} plaintiff, by counsel, appear^{ed} to said amended bill and waive^d the ^{service} ~~serve~~ of process thereon; but the said plaintiff is required to pay the cost of this suit up to this time. And leave is granted to the defendant to file her answer to said amended bill, if ¹⁹¹² so advised, which answer shall be filed not later than 1st. of Sept. rules; and the cause is continued.

J. W. J. Dickinson
vs { Decree
Rebecca H. Dickinson

No. 1.

Entered on 14th July 1902
No 7 Pages 120-121

Enter this decree
July 14, 1902
H. W. S. M.

order than last of Sept. 1901; and the cause is continued.
to said amended bill is so advised, which answer shall be filed not
up to this time. And leave is granted to defendant to file her answer
on, but the said plaintiff is required to pay the cost of this suit
but answer to said amended bill and waive the service of process there-

Rebecca H. Dickinson.

vs.

J. W. J. Dickinson.

On application of the defendant by counsel supported by

affidavits, which application was received by the defendant and or-

dered, which is contained in the bill of costs, which is contained in the bill of costs, which is contained in the bill of costs.

and unless plaintiff pay the cost of this suit, the bill of costs shall be filed with the court, which is contained in the bill of costs, which is contained in the bill of costs.

and unless plaintiff pay the cost of this suit, the bill of costs shall be filed with the court, which is contained in the bill of costs, which is contained in the bill of costs.

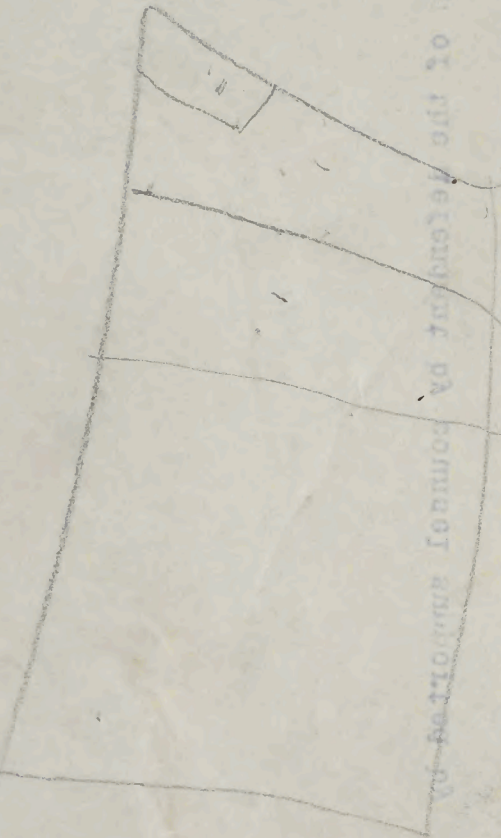
and unless plaintiff pay the cost of this suit, the bill of costs shall be filed with the court, which is contained in the bill of costs, which is contained in the bill of costs.

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and unless plaintiff pay the cost of this suit, the bill of costs shall be filed with the court, which is contained in the bill of costs, which is contained in the bill of costs.



To Rebecca H. Bickinson:

You will please take notice that on the 23rd day of May, 1902, at the residence of F.M. Clarkston, near Turkey Cove, Lee County, Virginia, I shall proceed to take the depositions of G.C. Gilmer, F.T. Riddle, Nettie Gilmer and others, which when taken are intended to be read as evidence in my behalf in a certain suit in chancery now pending in the circuit court of Lee County, Virginia, wherein I am plaintiff and you are defendant; and if from any cause the taking of said depositions should not be begun on that day, or if begun and not completed, the same will be adjourned from time to time and from place to place until the same shall be completed.

This May 13th, 1902.

J.W.J. Dickinson,

By Counsel.

L.P. Nyatt-----, p.q.

J.W.J. Dickinson,
Notice to take
vs. (Depositions.

Rebecca H. Dickinson.

Executed by delivering
a copy of the within
notice to Rebecca H.
Dickinson in Washington
County Va
May 15th 1902
J.W. Horlentine S.W.

sheriffs fee paid

1.

The depositions of Lee Coomer and others taken before me F. M. Clarkston, a Justice of the Peace for Lee County, Virginia, at Turkey Cove, Lee County Va. (Residence of F. M. Clarkston, on the 23rd day of May, 1902, to be read as evidence in behalf of plaintiff in a certain suit in equity pending in the Circuit of Lee County, Virginia, wherein J. W. Dickinson is plaintiff and Rebecca H. Dickinson is defendant, pursuant to notice annexed.

Present: L. T. Hyatt, atty. for plff.
+ C. E. Cabell " " deft.

The witness Lee Coomer, being first duly sworn, deposes as follows:

Ques. 1. for plff. - Please state your age, residence and occu-

(2)

Station? 24

Ans - 24 yrs 8 day March last Sunday
Con. L. Co. Va. Farming

Ques 2, for same. - Are you acquainted with Rebecca H. wife of J. W. J. Dickinsaw; and if so how long have you known her?

Ans: Known her ever since they have lived in this country.

Ques. 3. - ~~Do you~~ Please state whether or not she is a woman of good character, or otherwise?

Ans. - No, she is not.

Ques. 4. - Please state whether or not you know of her having illicit carnal communication with any man other than her husband; and if so, when?

Ans 4 - Yes, I do. Last winter a year ago and last summer.

Ques. 5: - Please state whether or not you ever heard her say whether or not her husband was the father of her youngest child, named Ossie Lee Bell; and if so, did she say whether Mr. Dickinson was or was not the father of said child?

Ans 5 - She said Mr Dickinson was not the father of the youngest child.

Ques. 6: - Where, that is at what place or places, do you know of said, Rebecca H. Dickinson committing acts of adultery?

Ans 6 - Somewhere at the home where they lived at Turkey Cove.

(4)

Cross - Examination

Ques. 1. - Mr. Coomer, you state that you have known Mrs. Dickinson ever since they have lived in this county. About how long has that been?

Ans. - I guess it has been about six years.

Ques. 2. - Did you during that six years live with ^{or near} these people? when?

Ans. - Yes, I stayed there about 3 or 4 months, lived in the house with them; about April, May and June 1902. I have lived about 300 yards from them about all the time they lived there.

Ques. 3. - In answer to Ques. 3 as to the good character, or otherwise, of Mrs Dickinson, you said "no, she is not."

(6)

Speaking of your own knowledge upon what do you base your judgment?

Ans. - Just because I have slept with her.

Ques. 4. - When was this?

Ans. - Along last summer, a year ago, along about June.

Ques. 5. - Was Mr. Dickinson living with his wife at that time?

Ans. - Yes, sir, I reckon he was.

Ques. 6. - Did he continued to so live after you left there?

Ans. - No, I don't reckon he stayed there any more. He stayed at Mr. Riddle's, or pretended to stay there anyway.

Ques. 7. - Was he aware that you were sleeping with his wife?

Ans. - Not at that time, I don't reckon he did.

Ques. 8. - Did he ever stay with his wife after he knew that she had been staying with you?

Ans. - Not that I know of, he did not.

Ques. 9. - Give the date, as near as possible, that Mr. Dickison left his wife, that is, after you had been staying with her?

Ans. - Along about the 15th of June 1901, as well as I recalled.

Ques. - Had you at any time previous to this stay of some 3 months in 1901, ever had any connection with that woman?

Ans. - Yes sir.

Ques. - Was Mr. Dickison aware of that when you came there to his house to live?

Ans. - No sir, I reckon not.

Ques. - Where did you sleep in in their house while you stayed there with respect to them?

(7)

Ans. - I stayed upstairs and they
down stairs?

Ques. - Have you any reason to
believe that Mr Dickinson knew of
your connection with his wife. There-
fore he left his wife for good or
all?

Ans. - No, I don't know as I do.

And further witness saith not.
See to some

Wit. claims 50¢ paid by plff.

C. M. Slump, another witness
of lawful age, being duly sworn
deposes as follows:

Ques. 1. - For plff. - State your
age, residence & occupation?

Ans. - 39 yrs old, Turkey Co La Co
Va - Farmer.

(8)

Ques. 2. - Are you acquainted with J. W. B. & Rebecca H. Dickinson?

Ans - Yes Sir.

Ques. 3. - Did you cultivate a field near their house some year or so ago, and thereby have occasion to be near them?

Ans - Yes Sir - I attended a field there in 1899 in corn right in front of his house.

Ques. 4. - About that time, was there or not talk in the neighborhood about his wife being too intimate with ~~men~~ other men; if so, whom?

Ans - Yes Sir - there was talk about him and J. B. Barker.

Ques. 5. - Did you ever see Mr. Barker go to her house; if so when, how long he stayed, and whether Mr. Dickinson was at home at the time?

(9)

Ans - I saw him go there several times during the summer and in August or September during Camp meeting down here Mr Dickinson took some cattle of some kind to Russell County and during his absence Mr Barker made several visits to his house. I was taking fodder in the field in plain view at the time.

Ques. 6. - Did Mr. Barker know that Mr. Dickinson was away from home at that time?

Ans. - I think he ought to have known it he was there often enough. One time he asked me if I knew whether Mr. Dickinson had come home or not & I told him I did not know that I had not seen him.

(10)
Cross Ex

Ques. 1. - Mr. Clemp, this was all during summer of 1899?

Ans. - Yes, sir.

Ques. 2. - Was Mr. Dickinson not aware of that Mr. Barker was paying a great deal of attention to his wife during that summer?

Ans. - I don't know whether he was aware of it at that time, but he was shortly afterwards, ^{or before} because they had a racket about the matter. ~~They~~ ~~he~~ as I understood.

Ques. 3. - Is there any reason why Mr. Dickinson should not have been aware of this man's being there during that summer so often?

Ans. - I don't know.

Re Examination.

Ques. 4. - Do you know of your own knowledge that Mr. Dick

inson up to the time he left his wife had any knowledge of the intimacy of his wife with other men?

Ans - No Sir I do not.

And further this Depoent saith not.

L. M. Slomp

Wit claims one day 50¢ paid by J. W. & D. Henry Pruitt, another witness of lawful age, deposes as follows:

Ques. 1. - State your age, residence and occupation?

Ans - ~~Next~~ Age 33 yrs - Brickstone-
Tanner.

Ques. 2. - Are you acquainted with J. W. & R. H. Dickinson, & how long have you known them?

Ans. - Yes Sir acquainted with them about 6 years or something like that

Ques. 3. - Did you ever do any work for them at their house; if so what and when?

Ans - Yrs sir, I did some Carpenter's work on their house when they 1st moved here and then at different times off and on. The last time I did work for them as well as I remember was in September 1900.

Ques. 4. While you were doing this last work, was Mr. Dickinson at home most of the time or not?

Ans - He was there part of the time part of the time he wasn't.

Ques. 5. - About that time had you heard it rumored in the community that Mrs. Dickinson was too intimate with any person; and if so whom?

Ans - Yrs sir I had heard it spoken of with Lee Corner

Ques. 6. - ~~Have~~ During the last time you worked there and during the absence of Mr. Dickinson, please state whether or not you saw Mrs. Dickinson & Lee Boomer talking together, and whether he came there pretty often.

Ans - Yes I saw them talking together some & he was there several times.

Ques. 7. - Did they seem to be pretty sweet on each other or otherwise?

Ans - I am sure that I noticed any thing at all out of Lee by she appeared to be interested in him.

Ques. 8. - Have you seen her two children?

Ans - I have

Ques. - Please tell who they resemble?

Ans - I think the oldest one resembles the Poff or Dr Gilmer either one. The youngest one favors Lee Corner & his family.

(14)

Dr. Gilmer is Mr. Dickinson's
uncle is he not? And they have
a general resemblance do they not?

Ans. I suppose he is &
they were such then

Cross Examination.

Ans. 1. - At the time you were working
around the Dickinson house and
hearing these rumors of which you
spoke about Mrs. Dickinson's
misconduct, was it your im-
pression or do you know that
Mr. Dickinson was aware of
such conduct on his wife's part?

Ans. - He claimed that he did
not know anything about it; he
didn't believe it.

Ques. 2. - Was it not the general
impression ^{with those} among those whom
this rumor circulated that Mr.
Dickinson was aware of her mis-

(B-7)

conduct?

Ans. - I don't know whether it was or wasn't.

Ques. - Do you know that Mr. Dickinson was ever aware of his wife's mis. conduct before leaving her?

Ans. - No sir, I do not; do not know that he was.

Ques. - Was it generally understood that he was ignorant of her misconduct throughout the community or not?

Ans. - He claimed to me all along that he didn't believe her guilty!

And further witness saith not.

H. L. Prunett
wit. claims to be paid by plff.

Kettie Gilmer, another witness of lawful age, being duly sworn, deposes as follows:

Ques. 1.~ State your age & residence, ~~and occupation~~ 2.?

Ans.~ 43 yrs Turkey Cr.

Ques. 2.~ Are you acquainted with J. W. J. Dickinson & Rebecca H. Dickinson and how far do you live from where they formerly resided in Lee Co. Va.

Ans.~ Yes - I don't suppose we live over a quarter of a mile if that much.

Ques. 3.~ Have you observed the youngest child of Mrs. Dickinson; if so, whom does it resemble in your opinion?

Ans.~ Lee Comer.

Ques. 4.~ Have you ever heard Mrs. Dickinson talk about her troubles with husband; and if so what did she say with respect to her guilt or innocence?

(17)

Ans - Yes I heard her talk about it
and she told she knew she had done
wrong but she had not been guilty
of it then she had been accused of.

Cross Examination

Ques. 1. - Mrs. Gilmer, in your conversation respecting her conduct, did she lead you.

And further witness said not.
Nettie Gilmer,
Wit. claims to be

G. C. Gilmer, another witness of lawful age, being duly sworn, deposes as follows:

Ques. 1. - State your age, residence and occupation?

Ans. - 34 yrs old - Lee Co. Va. Turkey Con
Physician

Ques. 2.- State what relation you are to J.W.J. Dickinson and how near do you live to him?

Ans - Uncle & live 14 mile from him.

Ques. 3.- Have you observed the youngest child of Rebecca (H. Dickinson) if so whom does it resemble to your opinion?

Ans - I saw it two or three times and the first and second time I looked at it very carefully & was of opinion that it looked like the Coomers.

Ques. 4.- Did you ever hear any talk in the neighborhood about Mrs Dickinson being too intimate with any other man than her husband; if so whom?

Ans. - Yes I have heard about two John Barker and Les Coomers

Ques. 5.- Did you ever hear Mrs. Dickinson say anything about her guilt or innocence of the charge against her?

Ans - Yes Sir. Mr & Mrs Gilmer
 went over to Jos (Dickinsons) one
 evening. While there Jos & his wife
 got to talking & the conversation came
 up as to their friends. Jos went on
 to accuse her of certain things & also
 told her about what she told him
 about where she had been a certain
 evening and stated to her that he
 had asked her where she had been
 that evening & that she
 stated that she had been at Mr
 Jos Bailey's that evening and he
 asked Mrs Bailey & she said she
 had never been in her house that
 evening or any other time. He said
 to her Didnt you tell me that?
 She said yes! He then said was
 you there? & she said No. He
 then said where was you? She
 wouldnt answer. He (Dickinson) then

said "Damn you! you you do know
 for you were over in the woods
 with Lee Coomer" and she never
 said anything. I don't know
 just what you said but think
 he said you are guilty, you know
 it. She answered him "I know
 I have done wrong & some things
 that I ought not to have done
 but I am not guilty of all that's
 been told on me."

Ques. 6.— Do you remember
 seeing her near the woodland
 spoken of on the day mentioned by
 you when she claimed to have
 been to Mrs. Bailey's?

Ans.— Yes Sir.

Cross-Exam.

Ques. 1.— Dr, what was the date
 of the conversation you have detailed?
 Ans.— It was last year, that is 1901,

in the fall or early winter & last
of Oct. or first of November?

Ques. 2. - Was Mr. Dickman
living with her at that time?

Ans. - No sir, he was boarding
and sleeping at Mr. Riddle's but
would come there to attend to his
stock.

Ques. - Had he at anytime before
this spoken to you of his wife's in-
fidelity?

Ans. - Yes sir, I don't remember
how long before, but it was some
time before.

Re-examination

Ques. 1. - Did not Mr. Dickman
quit living with his wife soon after
the birth of the youngest child? &
when was said child born?

Ans. - I did not wait on her but my
recollection is that it was some time in
the Spring and it was not long after

that that he goes home with her.
 Ques. 2. - The spring of what
 year?

Ans. - year of 1901

Re - Cross - Exam.

Ques. 1. - As far as you know your
 self, she was an industrious, hard-
 working woman? and of your own
 knowledge do you anything against
 her character?

Ans. - She was, and I know nothing
 against her character of my own knowl-
 edge.

And further witness saith not.

Geo. C. Gilman

Wit claims &c

Virginia, Lee County, to-wit:
I, F. M. Clarkston, a Justice
of the Peace in and for Lee County,
do certify that the foregoing dep-
ositions of Lee Bommer, R. M.
Slump, A. T. Prouett, Nettie Gil-
mer and G. C. Gilmer were
duly taken, subscribed and
sworn to before me at the time
and place and for the purpose
therein mentioned.

Given under my hand this
May 23^d 1902.

F. M. Clarkston
J. P.

J. F. Nash, D.S.
Big Stone Gap

J. W. J. Dickinson
vs { Depositions

Rebecca H. Dickinson

Received by mail in
good condition, and filed
May 24th 1902

A. B. Munney Clerk
(out of case)

Bill of costs:

J. O. . . .	\$ 3.00	page
Wits. -	2.50	
Court. . .	1.00	
	<u>\$ 6.50</u>	

(out of case)

The depositions of Lee Coomer, Susan Coomer, J. B. F. Riddle, Jane Riddle, W. M. Coomer, James Young and D. S. Coomer taken before me F. M. Clarkston a Justice of the Peace for Lee County, Virginia, on the 6th day of February, 1903, pursuant to agreement of the parties by Counsel, to be read in evidence on behalf of the plaintiff in a certain suit in equity pending in the Circuit Court of Lee County Virginia, wherein J. W. J. Dickenson is plaintiff and Rebecca H. Dickenson is defendant.

Present: J. B. Noel Counsel for Plff.
and Mayo Cabell for Deft.

Lee Coomer, a witness of lawful age being duly sworn, deposes and says:

Ques. (1) State your age residence and occupation?

Ans. Am 25 years old, reside Turkey Cove, Lee County Va, and am a farmer.

Ques 2 Are you acquainted with Rebecca H. Dickenson, the defendant in this cause? If so how long have you known

her?

Ans

Yes sir: I have known her about seven years & reckon.

Ques 3

State if you know what-is her character as regards chastity? Is it good or bad.

Ans

This question is objected to because witness should not be interrogated as to Rebecca H. Dickensons character as to chastity in general, but only as to specific acts tending to show lack of chastity.

May, Cabell for Deft.

Ans

It is not very good.

Ques 4

State whether you, of your own knowledge, know of the said Rebecca H. Dickenson having carnal knowledge of the body of any man other than her husband J. W. J. Dickenson, within the last five years? and if so when and where did it take place?

Ans

Yes sir I have, in 1900 in Turkey Grove Lee County, Va, and also in 1906.

Ques 5

Ques 5 State at whose house the said acts of adultery were ^{committed} with? And with whom did she have said carnal communication?

Ans At the house of J. W. J. Dickenson, and with myself?

Ques 6 State if you remember in what month of the year 1900, you had carnal communication with said Rebecca H. Dickenson?

Ans July, 1900.

Ques 7 State whether you ever saw any conduct on the part of the said Rebecca H. Dickenson and any other man besides yourself, that led you to believe that they were having improper relations, and if so please state what you saw and with whom?

Ans I saw John Barker pass the door that is at Dickenson's house, and slap his hand out at her, as all I ever saw. He seemed to be slapping at her breast.

Ques 8

Did you ever hear said Rebecca N. Dickenson say who was the father of her youngest child, Orrie Lee Bell? If so whom did she say was its father?

Ans.

Yes. She said I was.

Ques 9.

State if she ever told you who was the father of her oldest child, Thomas Hensley, and if so whom?

Ans.

Yes. She told me Joe Dickenson was.

Cross-Examination,

By Mayo Cabell.

Ques. 1.

You state in your examination in chief that you ~~had~~ committed adultery with Rebecca N. Dickenson, defendant in this case, in July, 1900. State if at this time you were staying at the house of the Dickensons?

Ans.

No, sir. I was not at that time.

Ques. 2.

When you in 1901, when you state you also committed adultery with her?

Ans.

Yes, sir -

Ques. 3.

Why were you staying at the house of the Dickensons?

Ans.

Well, sir, I was staying there attending a crop

on his land - in 1901-

Ques. 4.

Was your sister staying at the house of the Dickinsons at the time you speak of? ~~She wasn't~~

Ans.

~~staying there all the time - wasn't making that her home. She came over one or two nights~~

Ans.

No, sir. She wasn't staying there all the time - wasn't making that her home. She came over two or three nights.

Ques. 5.

Was she in the house ^{either of} the times you state that you committed adultery with Rebecca H. Dickinson?

Ans.

No sir.

Ques. 6.

You state, in your examination in Chief, that the only conduct you ever saw on the part of the said Rebecca H. Dickinson with any other man besides yourself that had you to believe they were having improper ~~and~~ relations, was, that you saw John Barker slap his hand out at her at the Dickinsons house. Now, where were you at the time you say you saw this?

Ans.

Yes, sir. I was sitting right in the house

Ques. 7.

Who, besides yourself, was in the house at the time?

Ans.

Just me and her.

Ques. 8.

Were her children, or either of them, in the house at the time?

Ans.

Yes. Both of them.

Ques. 9.

Was Mr. Dickinson plaintiff in this case, in the house at the time ^{you state} John Barker slapped at her?

Ans.

No. It wasn't there.

Further Deposition South West.

See Process

Witness Claims

attendance (day, paid by J. W. D. Dickenson 50 cts.

Susan Coomer another witness of lawful age, being duly sworn. deposes and says:

Ques (1) Please state your age and residence?
I am 18 years old, and live in Turkey Cove, Lee County, Va.

Ques 2 Are you acquainted with Mrs Rebecca H. Dickenson, wife of J. W. D. Dickenson? And if so how long have you known him?
Yes. I have known her five or six years.

Ques 3 State whether you ever saw any improper conduct on the part of ^{or} Mrs Dickenson, within the last five years, with any man other than her husband? If so please state what you saw, and with whom?

Ans

I saw Mr. John Barker laying with his head in Mrs. Dickenson's lap.

This was about two years ago, at Mr. Dickenson's house, here in Turkey Cove. I have seen Lee Coomer there. He lay in the kitchen on the bed all of one Sunday evening.

She went of the big house with a silk handkerchief. I went in the kitchen afterwards ^{to get me a drink} and saw a silk handkerchief spread over his face. It was just like the one she took out. One morning I saw Lee Coomer passing. That was after he quit going there. She went down to the fence where he was at, and they stood there and talked about a half hour. I reckon that is all I know.

Ques 4

Was Mr. Dickenson at home the time you ^{saw} John Barker there with his head in Mrs. Dickenson's lap, or at the time you say you saw Lee Coomer in the kitchen on the bed?

Ans

No. He wasn't there.

Ques 5-

Did you ever see any improper conduct ~~out~~ on the part of Mrs.

Dickenson and Lee Coomer, at-
Church ^{here} in the Cove, of so tell
what was?

This question is objected to because
leading?

Ans May o Cabell for Deft:
Lee Coomer came with her from the
lane that leads out from Dickenson's
house to the road, to Church one night.
He (Lee) left before preaching
began. He had not been gone but
a few minutes ~~before~~ when she
left too.

Ques 6 Please state whether or not-
either Lee Coomer or Mrs Dickenson
came back into the Church that-
night?

Ans No, they didn't come back.

Cross-Examination -

Ques. 1. Mrs. Coomer, who is your husband?

Ans. Mart Coomer.

Ques. 2. What relation is he to ^{the} Lee Coomer you spoke of
in your examination in chief, if any?

Ans. I reckon they are cousins.

Ques. 3. You speak of an occasion on which you say

you saw John Barber with his head in Rebecca H. Dickinson's lap. When were you at the time you say you saw this?

Ans. I was going to their house - about 100 yards from their house.

Ques. 4. Did you go on to their house?

Ans. Yes. I went on to the house.

Ques. 5. At the time you speak of having seen Lu Coomer in the kitchen with the handkerchief over his face, were you staying at the Dickinsons?

Ans. No, sir. I wasn't staying there. I was just there on a visit.

Ques. 6. Was Lu Coomer nice at the time you speak of seeing him in the kitchen with the handkerchief over his face?

Ans. No, sir, he wasn't nice.

Ques. 7. You say that one morning Mrs. Dickinson went down to the fence to Lu Coomer, & they stood there about half an hour. About how far were they from the house?

Ans. About 75 yds.

Ques. 8. In full view of the house?

Ans. Yes, sir.

Ques. 9. Was Mr. Dickinson in the house at this time, and if not, where was he?

Ans. He wasn't staying there. It was after they had

Witness failed parted -

Boots for her
attendance by
J. W. D. Dickinson

Further this Opponent Saith Not

Mark

J. B. F. Riddle another witness of lawful age being duly sworn deposes and says:

Ques(1)

Are you acquainted with Rebecca H. Dickenson wife of J. W. J. Dickenson, and with John Barker?

Ans

I suppose I am.

Ques(2)

State whether you ever saw John Barker and Mrs Rebecca H. Dickenson together; and if so please relate the circumstances under which you saw them?

Ans

Yes, I have. I mean I saw them in a room to themselves. I ~~passed~~ went to J. W. J. Dickenson's house after a saddle I had borrowed of him. As I came around the hill between Dickenson's house and Jones. I saw the door on the south was shut. I saw the kitchen door partly open. it was open two or three inches. I went up to the kitchen door and opened it. When I opened the door there lay the little boy that was staying at Dickenson stretched out on the floor. I asked him where the lady of the house

was. He motioned with his hand toward the other room. I passed on by him to the door that opened into the other room, and I opened that door, ^{and behold I found} ~~and found~~ John Barker standing in about this position (shows with his hands on his thighs) in a stooping position. Mrs. Dickenson was standing to the side of the door, about four or five feet from Barker. She spoke to me but Mr Barker did not speak at first; but did afterwards speak. When I asked Mrs. Dickenson for the saddle, she said it was the crib. and Barker said ("Where you going?") (witness imitates Barker) like he was scared.

Ques 3

State whether there was any other person in the room with Mrs Dickenson and Barker, at the time you speak of in your last answer;

Ans

If there was they were hid. There might have been a little child two or three years old.

Cross-Examination

Ques. 1.

Did you see any improper conduct between

John Barker & Mrs. Dickinson at the time you speak of in your examination in chief, having seen them in J. W. J. Dickinson's house?

Ans. I didn't see anything improper. They was just a little awkward.

Ques. 2. Did you ever see John Barker & Mrs. Dickinson together at any other time, that you remember?

Ans. Not alone, I never did. Only just that time.

Witness Claims
attendance for 1 day
50 cts. pd by J. W. J. Dickinson

- Further this Depoent Saith Not -

S. B. F. Riddle

W. M. Coomes another witness of lawful age being duly sworn deposes and says.

Ques (1) State your age and residence:

Am 22 years old, Beside in Turkey Cove Lee County Virginia.

Ques (2) Are you acquainted with Rebecca H. Dickinson and Lee Coomes?

Ans I have been acquainted with Beck. I mean Rebecca H. Dickinson five or six years. I have been acquainted with him ever since I can recollect.

Ques 3

State whether you ever saw any improper conduct on the part of Mrs. Dickenson and Lee Coomer and if so, tell all about it?

Ans

All I ever saw was, that while Lee Coomer was staying at Will Coomer's, she came up there and called Lee out, about an hour or hour before night, and they stayed out together till night.

Ques 4

Where was Will Coomer living at that time?

Ans

He was living on John Barker's place on Wallen's Ridge in Turkey Cove.

Ques (5)

How far is that from J. W. J. Dickenson's house?

Ans

About $\frac{1}{3}$ of a mile.

Cross-Examination

Ques 1.

You state in your examination in chief that while Lee Coomer was staying at Will Coomer's, Mrs. Dickenson came up about an hour before night & called him out, & they stayed out together till night. Where were you at this time?

Ans.

I was at Will Coomer's.

Ques. 2.

Then, how do you know that they were out together the hour you speak of.

Ans.

I saw them standing there together?

Ques 3.

Standing where?

Ans.

They were standing together at the fence.

Ques. 4.

How far is the fence from the house?

Ans.

About 250 yds, I guess.

Ques. 5.

And you watched them for an hour, & saw them standing together there for an hour. Is that correct?

Ans.

I didn't watch them all the time, but I watched them off & on, & I know they were standing there about an hour.

Further this Dependent Faith Stat-
W. H. Coomer

Mrs. Jane Riddle another witness of lawful age being duly sworn deposes and says:

Ques 1

Are you acquainted with Mrs Rebecca Dickerson and Lee Coomer?

Ans

Yes Sir.

Ques (2)

State whether, within the last five years, you have ever seen any improper

conduct on the part of said Mrs Dickenson and Lee Booker; if so tell all about it?

Ans.

One Saturday evening I saw them sitting very close together, as close as they well could, in the door at Mr J. W. J. Dickenson house. She was trying with his hat. When she saw me coming she put the hat close to her face and said something; then pitched the hat to him and jumped up and ran into the kitchen. Lee put on the hat and I walked out. When I went in she seemed very much confused and excited. She was red in face almost as a piece of flannel.

Ques 3

State whether you noticed the position of their feet in reference to each other and if so tell how they were placed? at the time you saw them?

Ans.

Yes. His feet were across her feet.

Ques (4)

State whether you ever noticed any improper conduct on the part of Mrs Dickenson and John Barker? If so what was it?

Ans

I have seen Mr. Barker at Mr Dickenson's several times. On one occasion I went there, and found Mr Barker there. He said he had to go up in the pasture to put a shoe on a horse. He went into the kitchen, and called her in there. They stayed in there a right smart little bit. They then came back. He said he would have to go. She said "hold on you know what you have to do, don't you, before you go?" She then got the bucket and he brought her a bucket of water. He went up to Mr Jones after the water, and as I went home I met him coming back with the water.

Ques 5

Do you know Mrs. Dickenson's youngest child Ossie Lee Bell?

Ans

Yes.

Ques 6

Whom does it resemble, if you ever took notice to that?

Ans

I think it favors the boomers.

Witness claims
attendance 1 day 50c
paid by plaintiffs

Further This Deposition Taken At St.

Jane. Middle.

James Young your a Notter
witness being sworn deposes and
says:

Ques (1)

How old are you?

Ans.

I don't know.

Ques (2)

Do you know what will become
of a boy who swears a lie?

Ans

Yes sir. He will go to the Devil.

Ques (3)

Where do you live now?

Ans

I live at Mr Frank Jones?

Ques (4)

Where did you live before
you went to Mr. Jones to live?

Ans

Dan Reasors.

Ques (5)

Where before you went to Mr. Reasors?

Ans

At Joe Dickensons.

Ques (6)

While you stayed at Mr Dickensons
did you ever see Lee Coomer there?

Ans

Yes sir.

Ques 7

State whether you ever saw Mrs
Dickensons and Lee Coomer, doing
any thing wrong while you stayed
there at Mr. Dickensons. and if so

what was it?

Ans

I never saw them doing any thing.

Ques 8

Did you ever see them together any where, if so where?

In the house by the fire and up stairs in the bed.

Ques 9

Were they up stairs in different-beds or in the same bed?

Ans

In the same bed.

Ques 10

About how many times have you seen Mrs Dickenson in the same bed together?

Ans

Two or three times.

Ques 11

Where was Mr. Dickenson at the time you saw Lee Coomer and Mrs Dickenson in the bed together?

Ans

I don't know. ~~he was not.~~

Ques 12

Was Mr Dickenson at home at ~~that~~ the times you saw them in bed together.

He was not.

Ques 13

Did you ever see Mr. John Barker at Mr. Dickenson's house, when Mr. Dickenson was away from home?

Ans

Yes, sir.

Ques 14

Tell whether you ever saw Mr. Barker do any thing to Mrs. Dickenson when he would be there? if so what did you see him do?

Ans 15

I never saw him do nothing.

Ques 16

What would Mr. Barker do there?

Ans

He never does nothing.

Witness claims
(day 5 octo
p. 14 J.W.J.
Dickenson)

(The whole of the foregoing deposition is objected to, because the witness is too young to realize the sanctity of an oath, or the difference between truth & falsehood. Mayo (Circuit))

Cross-Examination

Ques. 1.

Jim, you say you never saw Lu Coomer & Mrs. Dickinson doing anything wrong. There was nothing wrong in their being in bed together, was there?
I don't know.

Ques. 2.

How long have you lived at Mr. Crockett Jones's?
Two months, I guess.

Ques. 3.

How long were you at Mr. Rawls's?
I don't know.

Ques. 4. Well, 6 months?

Ans. I guess so.

5. Nine months?

Ans. I guess so.

Ques. 6. A year?

Ans. I guess so?

Ques. 7. Were you there two years? after you left Mr. Dickinson's?

Ans. I guess so?

Ques. 8. Were you there three yrs. after you left Mr. Dickinson's?

Ans. No.

Further This Dependent Sayeth Not
Jesse Young

D. S. Reaser Jr. another witness
being duly sworn deposes and says:

Does 1

Do you know the boy James
Young whose deposition has just-
been taken in this case; and if so
so how long have you known him
and about how old did he appear
to be when you first knew him?

Ans. I know the boy. I have known him
about five years. I got him at the

Poor House. The overseer told me when I got him that - his at the Poor about five years ago the overseer told me ^{that} he was six years old. This ~~year~~ answer is objected to, because hearsay.

Deers Has the boy staid with you more than once?

Witness claims Yes. He first stayed at my house. one day. 50 cts He then went to Mr Dickensons & brought back over a year ago. Paid by Alf. Last fall he went to Mr. Jones.

Further this Dependent Sayeth Not.

D. S. Reaser, Jr.

Virginia, Lee County, to wit:

I, F. M. Clarkston, a Justice of the Peace in and for the County of Lee in the State of Virginia do certify that the foregoing depositions of Lee Boomer, Susan Boomer, J. B. F. Riddle, W. M. Boomer, Jane Riddle and James Young and D. S. Reaser Jr. were taken, sworn to and subscribed to before me at the time and place and for the purpose therein, and in the caption thereof, mentioned. Given under my hand this 6 day of February

1903.

F.M. Clarkson, D.P.

J. W. J. Dickerson
of & in & honor

Rebecca H. Dickerson
Depositions of Witnesses

Received by Mail in
good condition and
filed Feb'y 9th 1903

A. B. Mursey Clerk

Costs
Justice of Peace 7 m 53 5
Constable sum.
returning 3 witness .60
Witnesses 2.50

\$ 8.45

Justice cost Paid

St. Paul Grocery Company,

DEALERS IN

Staple and Fancy Groceries.

St. Paul, Va., ... 190

To Rebecca H. Dickenson:

Take Notice, that on the 30 day of June, 1903 at the residence of ^{John Shuler} ~~W. M. Shuler~~ in the County of Lee, between the hours of 8 o'clock A.M. and 6 o'clock P.M. of that day, I shall proceed to take the depositions of John Shuler and others to be read as evidence in my behalf in the Chancery Cause pending in the Circuit Court of Lee County, Virginia in which I am plaintiff and you or the defendant. And if from any cause said depositions be not commenced upon that day, or if they be commenced, if they be not completed upon that day, the taking thereof will be adjourned from day to day at the same place and between the same hours until they are completed.

Respectfully,

J. W. J. Dickenson
by Counsel.

J. W.

Virginia Russell County Court.
I, J. T. Williams do solemnly
swear that I delivered a
true copy of the within notice
to Rebecca H. Dickenson on
this 24 day of June 1903, at
Frank Station in Russell
County, Virginia.

J. T. Williams
Sworn to before me
this 24 day of June 1903
B. C. Goss J. P.

The depositions of John T. Shular
and Mary Shular, and Buck
Bush, taken before me by
Mr. Clarkston a Justice of the
Peace for Lee County Virginia
at the Residence of John T. Shular
on the 30th day of June 1903.
pursuant to notice ~~subscribed~~ ~~to~~ annexed
to be read as evidence and behalf
of J. W. J. Dickenson in a certain
suit pending in the County
Circuit Court Northern District
Dickenson is Plaintiff and R. H.
Dickenson is the Defendant,
Present J. W. J. Dickenson.

Question,

What is your name, age, Residence
and occupation.

A

my name is John T. Shular,
age 34 years,
Residence Olingr.
occupation, Farmer.

Question was Calvin Thacker at your
house just before he give his
Deposition in the above ~~suit~~
at the camp and tell
you and others certain things
that he had been requested
to state by the Defendant R. H.
Dickenson

Ans. yes

Qus. Will go a head and tell what
he Thacker said on that occasions

Ans. Well Thacker told me and others that
he came down to J. W. J. Dickenson
house to fix a slide for Mr
Dickenson about 1 P.M. after
Dinner. and Thacker said
by movement to Mr Dickenson's
house. was never seen Mr J. W. J.
Dickenson any where and he
said Mr J. W. J. Dickenson's wife
wanted him to state that he
came down there that morning
& wanted him to state that Mr Joe
Dickenson was there and that Joe
at Breakfast there that morning.
and he Thacker said that he
could not state that he came
down to Mr Joe Dickenson's
early on that morning. nor he
could not swear he Dickenson
at Breakfast there that morning
and he Thacker said he told Mrs
R. H. Dickenson. that he could not
state that on oath, and Mr
Thacker said he did not see
any thing about Mr J. W. J.
Dickenson and Miss Dickenson
Business.

Qus. did Colver Thacker tell you
what he has stated with his own
accus. what Mr Mrs R. H. Dickenson
was trying to get him to swear
yes he told me and others

Ans

(3)

Question,

did Calvin Thacker tell you
he wanted a Whited J. W. J. Dickenson
if he could a got Dickenson out
of the house at the ceremony
the day they took his deposition
in favor of the Defendant.
Ans. yes. (Obv. because leading & irrelevant - Immaterial)
and further this affiant says
not John T. Shuler.

one days attendance 50 05 Pds

Question. What is your name and Residence

Ans. my name is Mirry Shuler.
I am the wife of John T. Shuler
I am 25 years old.
my Residence is Chicago.

Question. Was you present at your house
when Calvin Thacker was there
and heard Thacker tell what he was
Requested to state in a certain
suit pending, wherein J. W. J.
Dickenson is plaintiff & R. B.
Dickenson is Defendant.

Ans. yes sir.

Ques. did you hear Calvin Thacker say
any thing about coming to
J. W. J. Dickenson house to fix
a lid last fall a year ago.

Ans. yes sir, he said he came to

L.H.I.

Mr Dickenson's to fix a shelf
some time up in the day
and bellowed for Joe to bring
him some nails, and Mrs R. B.
Dickenson brought the nails and
said she did not rec. where
Joe was.

Question, did you hear Calvin or Dow
Thacker say that Mrs R. B.
Dickenson had her trying to
get him to swear that when
he came there to fix the shelf
that ~~it~~ it was early in the morning
and that Joe was there and eat his
Breakfast there (obj - Leading - Inim)

Ans
yes sir.

Question, and did not you hear him
Thacker state that he told Mrs
Rebecca B. Dickenson, that he
could not swear that Joe
was there, (obj - Leading - Inim)

ans
yes sir.

Question, and did not Thacker say she
wanted him to state that Joe
said he over slept himself
that morning (obj - Leading - Inim)

ans,
yes sir.

Question and did Mr Thacker tell you
that Joe Dickenson was not

(5)

there at all on that occasion
Ans. yes sir. (obj - Seabury - Drinn)

Ques. and did not Thacker say that
Mrs R. H. ^{Dickenson} had been ~~the~~ trying to get
him to state things that was
not the truth, in her suit with
Joe Dickenson. (obj - Seabury - Drinn)

ans.

yes sir.

Question did not Thacker after they
had taken his deposition at
the exoneration for Mrs R. H.
Dickenson that if he could
get back on the witness stand
again he would fix Joe. (obj - Seabury - Drinn)

Ans

yes sir he said if he was summoned
again he would tell all he could
against Joe.

Ques. did not Thacker tell you if ~~he~~
he could get at Joe he
would whip Joe or ~~ward~~
to that effect (obj - Seabury - Drinn)

Ans.

yes he said if he could get
one lick at Joe, it would be
all he wanted and further this
apports nothing at all.

Wiring his
one days attendance 50 Pads

Question

What is your age name and
Residence, and occupation
Ans. my name is Bud Bush,
age 18 years

Residence Abinger

occupation Farming

Ques. was you with Calver or Jow
Thacker last fall any year
ago at corn gathering time
when Thacker went to J.W.J.
Dickensons to fire a sled for J.W.
J. Dickenson

ans. yes sir I was.

Ques. what time of the day was it
when you went there to fire
Dickensons house.

ans. it was about 1 P.M. in the
after noon.

Ques. was Mr J.W.J. Dickenson at
home when you ~~at~~ and
Thacker was there

ans. no sir he was not there.

(7)
and further their apponath
sayeth not.

Bud^{his}_{mark} Bush.

one days attendant to Park

Virginia Lee county (to wit)
This is to certify that John T.
Shular and Mary Shular
and Bud Bush. whose
names are assigned to the
 foregoing Deposition Bearing date
on the 30th day of June 1903.
was duly sworn before me in
my county aforesaid. and I further
certify that they subscribed their
names to said Deposition in my
presence & mine under my hand
this the 30th day of June 1903.

J. M. Blackston J. C.

J. W. F. Dickenson
Depositions
Rebecca H. Dickenson

Received by mail
in good condition
& filed July 3rd 1903
A. B. Munsey Clerk

J. P. \$3.00
into 1.50
\$4.50

Dispositions
in
The charging cause
J. W. F. Dickenson
Plaintiff

V. B. R. H. Dickenson
Defendant
Received by mail in good con-
dition & filed July 3rd 1903
A. B. Munsey Clerk
Bill of costs
J. P. cost 3.00
John Shuler .50
Ming Shuler .50
Bert Bush .50
cost paid by
Plaintiff

U/

The depositions of Alf Slemup and others taken before me F. M. Clarkston, a Justice of the Peace for Lee County, Virginia, on the 25th day of November, 1902, pursuant to agreement of the parties by counsel, to be read as evidence on behalf of the plaintiff in a certain suit in chancery pending in the circuit court of Lee County, Virginia, wherein J. W. J. Dickinson is plaintiff and Rebecca H. Dickinson is defendant.

Present: L. F. Wyatt, atty for plaintiff and Mayo Cabell atty for deft. The witness, Alf Slemup, being first duly sworn, deposes and says:

Ques. 1. for plff. - State your age, residence and occupation?

Ans. - State your age, residence and occupation?

Ans. - I am 46 to 50 years of age, reside in Lee County, Virginia, in Turkey Cove, and am a farmer.

(2.)

Ques 2 for same. - Are you acquainted with Rebecca W. Dickinson?

Ans. - Not much, have seen her and know her when I see her.

Ques. 3 for same. - Did you ever observe any improper conduct on her part with any person; if so, tell what you saw and the circumstances?

~~Ans. 4. Did you ever see any improper~~

Ans. I saw Mr. John Barker one evening when I was coming along with the mail. He was in his field on a hill & he motioned towards Mr. Dickinson's house - twice I believe - & he went down the fence & looked in Mr. Dickinson came out of the house & went down to the fence where he was.

Ques. 4 for same. - Were still there talking when you left?

Ans. I didn't see. They just about got down to the fence when I got out of sight.

(5)

Ques. 5. - for same. - About that time was there or not talk in the community that said defendant and said Barker were too intimate?

Ans. Yes, sir. I heard they had them up down before Squire Olinger -

Cross - Examination

Cross. Ques. 1. Are you sure that it was Mrs. Dickinson you speak of ^{sawing} coming out of the house?

Ans. No sir.

And further deponent saith not.
wit claims one day 50¢
paid by J.W. & Dickinson
I agree to clean up

D.B. Coomer, another witness, being first duly sworn, deposes as follows:

Ques. 1 for plff. - State your age residence and occupation?

Ans. - I am 26 years of age, live in Turkey Cove, Lee County, Virginia, and am a farmer.

Ques. 2 for same. - Are you acquainted with Rebecca H., wife of J.W. & Dickinson?

(4)

Ans - Yes sir, have known her ever since she came to this County

Ques. & for same. - Did you ever see any improper or immoral conduct on her part with any person, if so with whom, when and where, and tell what you saw?

Ans. I saw this Coomer boy with his arm around this Mrs. Dickinson with his hands on her breast. This was at Mr. Dickinson's house. This was last year some time. ~~At~~ He & I went there one time & he was drunk, & he made Dickinson drunk too. He wouldn't go home with me although I wanted him ~~to~~ to. She pulled his shoes off & put him in the bed & sat down on the bed by him. Joe was in the other room with the baby & must have gotten on it. I heard the baby cry, & I allowed he fell on it. I told her she had better go to ~~the~~ the baby, ~~but~~ she went & got the baby & put it in the room where Lu Coomer was. She said she wd attend to ~~the~~ Lu Coomer himself. Joe had no right to get drunk & id attend to himself. That's about all I know. I went home & left her sitting on the bed by him.

(3)

Ques. 4. for same. - What relation are you and Lee Coomer?

Ans. - We are cousins -

Ques. 5 for same. - At the time you speak of seeing the Coomer boy with his arms around Mrs. Dickinson and his hands on her breasts, was Mr. Dickinson there present?

Ans. - No sir.

Ques. 6 for same. - Were you there at that time or did you just go there and see them without knowing you were there?

Ans. - I just went there. They didn't know I was on the place.

Cross- Examination

Cross. Ques. 1. At the time you speak of going with Lu Coomer to Mr. Dickinson's, & Lu was drunk, & Mrs. Dickinson put Lu in bed & sat by him, where were you?

Ans. - I was there in the room with them, but I went off home and left them there.

16)

Cross. Ques. 2. Is it not true that Lu Coomer at one time stayed with the Dickinsons, as a member of their household?

Ans. - He stayed there, but Mr. Dickinson wasn't there.

Cross Ques. 3. - Where was Mr. Dickinson at the time Lu Coomer stayed there?

Ans. - I couldn't tell you where he was at; he was off somewhere.

Ques. 4. - How do you know he was not there?

Ans. - He wasn't there, it did not seem. I stayed there an hour or so and did not see anything of him.

~~Ques. 5.~~

And further this witness saith not.

D. S. ^{his} _{mark} Coomer

Wit claims one day 50¢
paid by J. W. J. Dickinson.

Hurvy Prescott, another witness being duly sworn, deposes as follows:

Ques 1. for plff. - State your age residence and occupation?

7

Ans. - I am 34 years old, live near
Brickstone Lee County Va, and am
a farmer

Ques. 2. - Did you ever do any
work for J. W. Dickinson on his house?

Ans. - Yes, sir -

Ques. 3 for same. - State whether you
observed the two children, Hensley and
Ossie Lee Bell there; and if so, state who
they resembled?

Ans. - Well, sir, I think the eldest ^(Hensley) favors Dickinson.
I think Ossie Lee Bell favors the Coomer ~~the~~ boy.

Ques. 4 for same. - While you were
there at work on the house, did Lee
Coomer ever come there or stay there?

Ans. - Yes, sir, he was there some.

Ques. 5 for same. - Did you ever notice
any improper conduct between Mrs. Dickinson
and Lee Coomer?

Ans. - During the last work that I done there
it seemed like she wanted to be round where he was
at & paid more attention to him than I thought was
handly proper.

(8)

Cross-Examination.

Cross Ques. 1. Please state about how old Ossie Lu Bell was at the time you worked on the Dickinson house?

Ans. - I don't believe I worked there on the house any at all since she was born.

Cross-Ques. 2- Well, about how old when you last saw her?

Ans. - I don't hardly believe she was as much as a year old; she was very small.

Cross. Ques. 3. How often did Lu Coomer come there, & how long would he stay?

Ans. - He was there several times while I was there at work on the house the last time, helped me some on the house, a little. I believe he stayed as long as a half day some of the times, or near about that long.

Cross. Q. #4. Was not Lu Coomer's sister there at the house a great deal?

Ans. - I don't think she was there while I was at work on the house.

Cross Ques. 5. Did not Mrs. Dickinson have a boy living there with her of the name of Jim Young?

Ans. - There was a little boy staying there that they called Jim. I suppose his name is Jim Young.

(9)

Cross Ques 6. Was Mr. Dickinson ever present when these visits of Lee Coomer occurred?

Ans. - I have been there at times when Lee Coomer was there and Mr. Dickinson was too; but I think the time that he helped me on the house, or a part of the time, Mr. Dickinson was gone to Russell County.

And further this witness saith not.

H. L. Prevott

Pat Slump, another witness, being first duly sworn, deposes and says:

Ques 1. for plff. - State your age, residence and occupation?

Ans. - I am 21 years old. In County, Virginia, in the Justice Cove. I am now in the employ of The Louisville & Nashville Ry Co, at Appalachia, Va.

Ques. 2 for same. - Are you acquainted with Rebecca H. Dickinson and Lee Coomer?

Ans. Yes, sir.

Ques 3 for same. - Did you ever see any improper or immoral conduct between them; if so tell what you saw and when and where it was?

Ans. I saw them one night about 125 yds. from the house. It was good & dark. I walked up to within about 5 steps of them, & Coomer jumped up & run off. I then turned & walked off.

Ques. 3 for same. - When was this, and what house do you refer to?

Ans. It was Joe Dickinson's house, on Bassett's land, ~~at~~ near his barn. It was in July, ¹⁹⁰¹ I believe.

Q. 4. What were they doing there?

Ans. - I didn't see them doing anything. I just walked up on them. They weren't making any noise.

Ques. - Were they close to each other or not?

Ans. About as close as they could get.

Cross-examination

Cross Ques. 1. Did you ever see any other conduct between them that you considered immoral or improper?

Ans. - No sir, I reckon not.

And further witness saith not.

Witness claims one day 50¢ Pat Sleep

Mileage 26-44 184
 paid by J. W. Dickinson 1.54

W. M. Mullen, another witness of lawful age, deposes as follows:

Ques. 1 for plff. State your age residence and occupation?

Ans. - I am 39 years old, reside in Turkey Cove, Lee County, Virginia, and am a farmer by occupation.

Ques. 2. for same. - Do you know Rebecca H. Dickinson?

Ans. - Yes sir.

Ques 3 for same. - Did you ever see any person go to the house of the Dickinsons in the absence of Mr. Dickinson; if so, who was it and when?

Ans. - I saw Mr. John B. Barker go there, when Mr. Dickinson wasn't at home, several different times. It has been about 4 yrs. last Aug, as well as I can remember. In the summer of 1898.

Ques. 4. for same. - At these times, or any of them, did Mr. Barker know that Mr. Dickinson was not at home?

Ans. - I do not know. Mr. Barker asked me one time if Mr. Dickinson was gone. I told him I did not know.

Ques 5. for same. — About that time, had you heard it rumored in the community that said Barker and Mrs. Dickinson were too intimate?

Ans. Yes, sir.

Cross Examination

Ques 6. Did

And further witness saith not.
 Wit claims one day by m Sleep
 so paid by plff.

Virginia, Lee County, to-wit:

I J. M. Blackston, a Justice of the Peace for Lee County, Virginia, do hereby certify that the foregoing depositions of Alf Sleep, D.S. Cooner, Henry Powell, Pat Sleep and C. M. Sleep were duly taken, subscribed and sworn to before me at the time and place and for the purposes therein mentioned.

Given under my hand this 25th day of November, 1902. J. M. Blackston, J. P.

J. W. J. Dickman

r { Lu Cky

Rebecca H Dickman

Pff's Depositions
Batch 1.

Received by mail in
good condition and
filed November 26
1902.

A. B. Munsey clerk

Bill of costs

J. P.	2.25-
Uerts	3.54
Court.	1.20
	\$6.99

Pursuant to notice hereto annexed
Present Rebecca H. Dickenson Defendant
v J. W. J. Dickenson Plaintiff.

Hon J. C. Carter of lawful age & being
duly sworn deposed & says.

Q What is your age occupation residence
A I am 66 years of age former Carterton va.

Q. How long have you known Rebecca Dickenson
+ I have known Rebecca Kirner now Rebecca
Dickenson ever since she was a small child

Q Do you know of any thing detrimental
as to the Character and virtue of Mrs.
Rebecca H. Dickenson

A I know nothing nor have I ever heard
any thing nor have I ever seen ~~any~~ any
thing that gave me the slightest grounds
for suspicion of any thing criminal. I have
been about the house of her father oftener
than any other house in the county except my
own. He being a tenant and living on my
land

Q Do you know of any thing that would give you any suspicion of Rebecca Dickerson since she has been married.

A I do not.

Q, Can you see any resemblance of her children that would give you any cause to think they are not full Brothers & Sisters

A. I see a strong resemblance & should think they are full Bro. & sister

and further his deponent saith not.

Jack Carter

W. H. Dickerson of lawful age being duly sworn deposes & says.

Q What is your age Occupation & Residence

A my age 5-7 years. Trailing agent Bickley, Mead's

Q. Are you acquainted with the Plaintiff J. W. J. Dickenson & Defendant Rebecca Dickenson & how long have you known them

A. I have known them 10 or 12 years

Q. What do you know as to the Character & Virtue of Rebecca Dickenson

A. Good

Q. Have you ever been about the residence of J. W. J. Dickenson & what was your opinion as to Rebecca being a true & faithful wife

A. I have. I know nothing but good

Q. What do you know as to the resemblance of their children

A. If he is the father of one he is the father of the other.

Q. Are you acquainted with one Lee Coomer
and what was your opinion of the man?

A. I have seen him once at Joe Dickerson
& once at Clinger Station, he was only a ~~man~~
boy 15 or 16 years old

Q. How long has it been since you ^{have} seen Lee
Coomer?

A. It has been 4 years.

Q. From what you know of this woman
are there any grounds for Joe Dickerson
to sue for a divorce?

A. None what ever.

Q. Isn't it a fact from what you know of
these two parties that this suit was brought
through malice illwill or spite?

A. I think it was through spite.
And further this deponent sayeth not.

W. H. Dickerson

Ex. U.S. Commr

N. S. Dickenson of lawful age being
duly sworn Deposes & Says.

Q. What is your age Occupation & Residence

A 57. Farmer. Beckley Mills Va

Q. Are you acquainted with J. W. f Dickenson
Plaintiff in this Cause & Rebecca Dickenson
Defendant & how long have you known them

A I am. I have known them all their lives

Q. Did not these parties live on your place
& how long did they live there,

A. They did about two year

Q. What was your opinion as to man
& wife. Did they agree in a peaceable like

manner while they were on the place.
A. Joe was quarling a good deal but what he was quarling about I can not say.

Q. State what you know as to the character & virtue of Mrs Rebecca J. Dickenson

A. I regarded her as a virtuous woman when she left my place

Q How long has it been since they left your place.

A. 6 or 7 years

Q. What can you state as to the resemblance of their two children.

A They favored to me

Q Do you think there is any provocation whatever of this suit.

A I don't know.

And further the deponent saith not.

E. S. Dickenson

P. H. Dickenson of lawful age being
duly sworn Deposes & Says

Q What is your age occupation & Residence
H. - Farmer & Merchant Bentley Mills

Q Are you acquainted with the plaintiff
& defendant in this cause & how long have
you known them

A Yes, have known them all their lives

Q. State what you know ^{as to the} virtue &
Character of Rebecca Dickenson

A I dont know any thing detrimental
as to her character

And further this deponent says not.

P. H. Dickenson.

FORM OF CONCLUSION.

VIRGINIA: Russell County, to-wit:

I, S. C. Gose, a Justice in and for the County
aforesaid in the State of Virginia, certify that the fore-
going depositions of J. C. Carter & others, were taken,
subscribed and sworn to before me at the time and place and
for the purposes mentioned in the caption hereto annexed.

Given under my hand, this 27 day of February, 1903.

S. C. Gose

Justice of the Peace

J. C. Carter
Cost \$3.00
Witnesses, 2.00
Total \$5.00

FORM OF CAPTION.

The depositions of Hon. J. C. Carter & others, taken
February 27, 1903, before me, S. C. Gose, a Justice of the
Peace in and for the County of Russell in the State of Virginia,
at the store-house of R. W. Dickenson, at Bickley's Mills in
the said county, between the hours of 8 A. M. and 6 P. M., to
be read on behalf of the defendant in a certain suit in chancery
now pending in the Circuit Court for Lee County, Virginia,
in which J. W. J. Dickenson is plaintiff and Rebecca H. Dick-
enson is defendant, pursuant to the notice hereto annexed.

TO J. W. J. DICKENSON:

Take notice that I shall, on Friday, February 27th. 1903, at the store-house of R. W. Dickenson, at Bickley's Mills, Russell County, Virginia, and on Saturday, February 28th. 1903, at the law office of Irvine & Slomp in the town of Big Stone Gap, Virginia, between the hours of 8 A. M. and 6 P. M. of said dates, proceed to take the depositions of witnesses to be read in my behalf in a certain suit in Chancery now pending in the Circuit Court of Lee County, Virginia, in which you are plaintiff and I am defendant and if from any cause the taking of said depositions be not commenced on said dates or if commenced but not completed, the same will be adjourned from time to time and place to place until completed.

Respectfully,

Rebecca H. Dickenson

by _____
Counsel.

VIRGINIA: Wise County, to-wit:

I, John Chalkley, a Notary Public in and for the County aforesaid in the State of Virginia, certify that Mayo Cabell this day made oath before me that he did on the ~~25th~~. 23rd. day of February, 1903, deliver a copy of the foregoing notice to take depositions to J. W. J. Dickenson.

Given under my hand, this 24th day of February, 1903.

John Chalkley N. P.

Rebecca H. Dickenson
ado { Depositions

J. W. J. Dickenson

Feby 28th 1903.

Received by mail
in good condition
and filed.

A. B. Munsey Clerk

The deposition of Henry Riner taken before me S. C. Gose
a Justice of the Peace in and for the County of Russell in State
of Virginia, at Fink, station on N. & W. R. R. in the said county
of Russell on the 24th. day of June, 1903, between the hours of
8 A. M. and 6 P. M. to be read in evidence on behalf of defendant
in certain suit in Chancery now pending in the Circuit Court of
Lee County, Virginia, wherein J. W. J. Dickenson is plaintiff, and
Rebecca H. Dickenson is defendant, pursuant to notice hereto
annexed.

Present

J. W. J. Dickenson Plaintiff J. C. Noel Atty
J. Rebecca H. Dickenson Defendants.

Henry Riner, being first duly sworn, deposes as follows:

Q:

State your name, age, occupation and place of residence?

A:

Henry Riner Borned in 84 Working on train

Q:

State what kin, if any, you are to the defendant?

A:

Brother

Q:

State whether or not you were at the house of the plaintiff
J. W. J. Dickenson in Lee County, about Christmas, 1901, and if so
whether the defendant Rebecca H. Dickenson was there on that oc-
casion and how she happened to be there, and tell what occurred
between her and the plaintiff, how long she stayed there and all
about it?

A:

yes sir I was there yes she was there
we just walked & went down there
Joe was there with us & Hensley the kid
commenced crying for bread Joe said
to take it up to Jones & I took it & got a bucket
Q: I brought some water back was gone something
like one hour & a half or two hours. I didnt
see anything at all Joe was asking her to sign
that deed. I dont remmunder how long we
stayed there.

41. & further the deponent's oath not

Henry River
his name

Cash.

witnesses

Henry River .50

Justice .75-

Virginia Russell county town
I S. C. Gore a Justice of the
peace in & for the county aforesaid
certify that the foregoing deposition
of Henry River was taken, subscribed &
sworn to before me at the time place
& for the purpose mentioned in the caption
hereto annexed

Given under my hand this
The 24th day of June 1903.

S. C. Gore J.P.

Rebecca H. Dickenson

advt Deposition

J. W. J. Dickenson

Received by mail and

Good Condition and

Filed June 26th 1903

A. B. Mearns Clerk

Met pursuant to adjournment on this the 4th. day of June, 1903, at the Turkey Cove Ceminary, Lee County, Virginia, before F. M. Clarkston, J. P. Present, J. W. J. Dickenson, plaintiff, and J. C. Noel his attorney, and Rebecca H. Dickenson, defendent and her attorney, C. B. Slemp.

F. T. Riddle, being first duly sworn, deposes as follows:

C. B. Slemp.

Q: State your age, occupation, and place of residence?

A: I was 60 the 15th. this month; farmer; live in Turkey Cove, Lee County.

Q: Are you acquainted with J. W. J. Dickenson and Rebecca H. Dickenson, parties to this suit?

A: Yes sir.

Q: How far do you live from the house in which Mr. Joe Dickenson used to live?

A: I suppose something like 1/2 mile.

Q: Did J. W. J. Dickenson ever come to live with you?

A: Yes sir.

Q: Please state if you recall when he came to stay with you?

A: I don't remember positively, it strikes me he came off and on about Sept. 1901.

Q: Do you know of any circumstances by which you can state the exact time of his coming to your house?

A: No. I have got it sot down ~~xx~~ when he came to stay regular but I could not say for me life, but it seems to me since I have been studying it over, that it was about Oct. but I am not positive.

Q: Why do you think it was in October?

A: Well, we pulled off some corn he wanted to feed some hogs and just a few days after that he came to my house.

Q: During the time of his stay in your house in the Fall of 1901,

do you or do you not recall the fact of

(2)

on his farm?

A: I don't remember.

Q: To refresh your memory, did he make his crop while staying at your house in the year 1901?

A: No, it was in 1902, if I am not mistaken.

Q: After he came to your house as you say, about the 1st. Sept. 1901, how long did he remain at your house?

A: He stayed till last January, I think.

Q: Did he stay every night at your house?

A: No.

Q: Can you tell me what percentage of nights he failed to stay there?

A: No I could not; he was peddling, hauling and sometimes he would go and he would always tell me where he stayed. Sometimes he stayed at Mr. Gilmers and sometimes at Mr. Jones.

Q: Did he ever tell you that he stayed any where else?

A: It strikes that he said he stayed at Alf. Slemps.

Q: Did you ever hear of his staying at any other places?

(the foregoing question objected to for hearsay)

Q: Do you know of his having stayed at his former home during that time?

A: I think he probably peddled and I think that he stayed there one night, but my boy I think slept with him.

Q: Where did he take these goods that he peddled, from?

A: Took them from his house.

Q: Did he start from his house early in the morning or not?

A: He started early.

Q: Did you ever send any goods by him?

A: I think I sent some apples.

Q: Where did you deliver the apples to Mr. Dickenson?

A: I did not deliver them at all. I think my family took them.

Q: Did you at any time ever send apples early in the morning to Mr. Dickenson's house?

A: No I never did, and don't know whether my family ever did.

(3)

Did you ever see Mr. Dickenson working on his farm in the Cove.

A: Yes.

Q: Did you ever see Mrs. Dickenson working on the farm in the Cove?

A: Yes sir.

Q: During the year 1901, did you see them working together at any time.

A: No I never saw them working together.

Q: Were you about there frequently?

A: No I passed by, but very frequently. I could see her working sometimes.

Q: You understand that she is a hard working woman, do you?
(Question objected to because immaterial. Noel)

A: Yes sir.

Q: Has Mr. Dickenson been staying at your house any since the 1st. of Jan. 1903?

A: Yes he stayed a few nights.

Q: Is he a regular boarder there now?

A: No sir.

Q: Do you know where he stays now?

A: No sir.

CROSS EXAMINATION.

Mr. Noel.

Q: Mr. Riddle do you know Lee Coomer?

A: Yes sir.

Q: Did you ever see Lee Coomer and Mrs. Dickenson together?

A: Yes sir, I have seen them together.

Q: State whether or not you ever saw any improper conduct out of the parties together, and if so, tell what it was?

A: No. I ~~never~~ saw Becky Dickenson up at the Peach Orchard.

Q: Did you see Lee Coomer with her at that time or any other time?

A: No sir.

(4)

Q: Did you ever see her with any other man or any one at the Peach orchad or any where else?

A: I don't know that I have.

Also the deposition of W. M. Coomer, who being first duly sworn, deposes as follows:

Q: State your age occupation and place of residence?

A: 22 years of age; occupation farmer; live at Turkey Cove, Lee County.

Q: Are you acquainted with J. W. J. Dickenson and Rebecca H. Dickenson, parties to this suit?

A: Yes I am acquainted with them for about six years.

Q: Where do you now live?

A: On Mr. Dickensons place.

Q: At what house on the place?

A: At Mr. Dickenson's house.

Q: Is that the only ~~place~~ house on the place?

A: Well, it is now.

Q: Is there any other dwelling house on the place?

A: No sir.

Q: Do you know whether or not there has been any dwelling house on the farm occupied by people within the past six years?

A: It has been.

Q: When did people cease to live there?

A: Well there aint nobody lived there for about three years.

Q: How long have you been living on Mr. Dickenson's place?

A: About three years

Q: Were are you living at the present time?

A: On Mr / Tip Reasors place.

Q: Were you at home Saturday, May 16th. 1903?

A: I don't know whether I was at home Saturday or not, but I was Sunday.

Q: Were you not at home Saturday night?

(5)

A: Yes sir.

Q: You spent the night at home Saturday night?

A: Yes

Q: Did any one else stay there on Saturday night besides yourself?

A: My wife stayed there and Mr. and Mrs. Dickenson, and children.

Q: Did they spend Sunday night following?

A: Well, I think they did. I don't think it was the night Joe got up and left, Sunday night.

Q: Who else was at your home on Sunday May 17th?

Well, Dow Thacker was there and Will Coomer and Will Coomers wife.

Q: Who took dinner with you that day?

A: Mrs. Dickenson Joe and Dow Thacker.

Q: Did you stay at home all day on Sunday May 17th?

A: No sir I left home about 3 o'clock.

Q: Whom did you leave at the house when you left?

A: I left Mr. Dickenson, Mrs. Dickenson and her children.

Q: Did you leave any one else?

A: No sir.

Q: Where was Mr. and Mrs. Dickenson when you left?

A: Mrs Dickenson was in the kitchen and Mr. Dickenson was in the other
Mr & room.

Q: What other room?

A: Our room, the main room. It is connected to the kitchen by the hall.

Q: Is that your method of going from one room to the other?

A: Yes sir.

Q: Do you recall whether Mrs. Dickenson took her youngest child to the kitchen with her or not?

A: Yes sir.

Q: Did any one else go into the kitchen?

A: Yes, Mr. Dickenson went in.

(6)

Q: Did Mr. Dickenson go to follow Mrs. Dickenson in to the kitchen?

A: He went in after she went.

Q: When you left, did you leave them in there?

A: I went over in the ordhad and they was in there.

Q: Describe the furniture in your kitchen, what you had in there?

A: There is a cubbard in there, table and bed.

Did you see Mr. and Mrs. Dickenson sitting on the bed?

A: No sir.

Q: Were there any chairs in the room at that time?

A: No, I don't think there was. I think I carried them out

Q: On that same Sunday, do you or do you not recall whether you had a visit from Mrs. Geo. W. Gilmer and he son Axley Gilmer?

A: Yes sir, they came down after dark.

Q: How long did Mrs. Gilmer and Axley remain there?

A: About 9 o'clock when they left.

Q: Who went with them when they left?

A: Joe went off with them.

Q: What did Mrs. Dickenson do?

A: She went off shortly afterwards.

Q: When did they return?

A: A little while afterwards.

Q: Did Mr. Dickenson and Mrs. Dickenson come in together?

A: They came in, I don't know whether they came together or not. Came in at the hall door.

Q: Do you recall when Mr. Dickenson left his home to take up his residence with Mr. F. T. Riddle?

A: No sir. I don't just know the year. I don't know what month. I gues it was 1901.

Q: Did you see him around his premesis frequently during that time?

A: No sir I never saw him there until after she left and went

(7)

to Russell

Q: More particularly I will ask you if you ever saw him about his house during the Summer or Fall previous?

A: No sir.

Q: Are you in the employ at the present time of Mr. Dickenson?

A: No sir. I have just got his place rented. farming.

Q: I will ask you on that Sunday evening May 17th. how long did you stay away from your house?

A: I don't know exactly how long. I left about 3 o'clock and came back about 5.

Q: Whom did you find there on your return?

A: I don't think any one was there but my wife and Mr. and Mrs. Dickenson. I aint certain whether Mr. Dickenson was there.

Q: Are you certain that you wife was there?

A: Yes sir.

Q: Where was Mrs. Dickenson and Where was your wife and where was Mr. Dickenson when you returned?

A: I don't remember; never paid any attention.

Ex

CROSS EXAMINATION.

Mr. Noel.

Q: At the time you speak of Mr. Dickenson and Mrs. Dickenson being left together at your house on May 17th. 1903, how long before that time had Mr. Dickenson been staying at your house?

A: Well, I moved there in December and he had been there ever since that time.

Q: In what part of your house did Mr. Dickenson room since Mrs. Dickenson has been down or all the time?

A: Well he slept in the kitchen; before she came he slept in room that me and my wife slept in.

Q: And when she came he slept in the kitchen?

A: Yes sir.

(8)

Q: How long had Mrs. Dickenson been at your house before May 17th?

A: She came about the 12th.

Q: Where did Mrs. Dickenson sleep while she was staying there?

A: Up in the room with me and my wife.

Q: Did Mrs. Dickenson notify you or your wife that she was coming to your house?

A: She wrote my wife.

Q: Where did she write from?

A: Bickley's Mills, Russell County.

Q: After Mrs. Dickenson came to your house and Joe went into the Kitchen to stay, state whether or not Mrs. Dickenson went into Joes Room at any time?

A: One night Joe was moaning and talking in his sleep and Mrs. Dickenson said she would go and sleep with him. She went in there and directly Joe said "Hell, God damn nation" and joe come in our room and dressed and went out to the barn.

Q: After you had heard Joe say "hell and damnation" and before he went out of the house, did you hear Mrs. Dickenson say anything to him?

A: Yes, she told him to go back to bed, that she was not going to hurt him or something like that.

Q: I believe you stated that he came into your room and put on his clothes and went out? Did he come back to the house that night?

A: No I never heard him come back. Very early next morning I saw him at the stable.

Q: At what time next morning did you see Mr. Dickenson at the stable?

A: Saw him about 3'oclock. We was going to plow early.

Q: On the night of May 17th. when M^rs. Gilmer and her son were there, I will ask you if Mrs. Gilmer invited Mr. and Mrs. Dickenson to go home with her and if Mr. Dickenson did not say that if Mrs. Dickenson went, he would not go, and state whether she

(9)

went?

A: (These questions are objected because leading.)

A: Yes, I think he did. ~~Hexxayxthax~~ when they started and got around above the house Mrs. Gilmer hollowed for her to come on and she said no, if Joe don't want me to go, I will not go.

Q: Before starting, that is before Mrs. Gilmer and her son and Mr. Dickenson started, state whether or not Mrs. Dickenson said anything about going or not and if so, what it was?

A: I don't remember her saying anything about going after they started.

Q: I will ask you to state whether or not Mrs. Dickenson has not been trying to get you to testify that you had seen her and Joe bed together since they parted, and if so, tell what she said about what she would give you if you would swear that you had seen them bed together?

X: (This question objected to because improper way to approach the witness and that the question is leading. Slenp.)

A: Well, she said that if I would swear that her and Joe was in there on the bed and that if she be t Joe, shee wo ld give me a home there and that I could have one as long as I wanted one there.

Q: Tell all that she said she would do for you.

A: She said she ~~would~~ had \$80. in money and that she would buy a horse and cow with it.

Q: aboState whether or not she said anything that Mr. Irvine said if you swore, that it would amount to?

X: (That question objected to because leading. Slenp.)

A: She said that Mr. Irvine said that if we would swear what she told him, that she would beat Joe.

Q: State whether she said what would become of Joe then?

A: She said Joe would leave .

Q: Did she say, and if so, what did she say would befome of the land?

(16)

A: She said she would get the land.

Q: Did she tell you what she had told Mr. Irvine that you was going to swear and if so, tell what it was?

A: Yes, she told Irvine that I would have to swear that I ketched them in the kitchen in bed.

RE-DIRECT., EXAMINATION.

MR. SLEMP.

Q: Did you not tell Mrs. Dickenson that you did not want to testify in this case?

A: I don't remember of telling her that.

Q: Did you not tell Mrs. Dickenson that you did not want to mix up in the case?

A: No sir.

Q: Did you not tell Mrs. Dickenson that you did not want to testify against Mr. Dickenson?

A: I told her last Friday morning that I had better not go I guessed.

Q: Did you not tell her that if you came out here and swore that Mr. Dickenson would get mad at you?

A: I said what I would swear would be against her.

Q: How do you know ~~that~~ what Mr. Irvine told Mrs. Dickenson?

A: She told me after she came back. After she had seen Irvine

Q: Did not Mrs. Dickenson tell you that she only wanted you to swear the truth and nothing else?

A: She did tell me something like.

Q: Was she not trying to hire you to tell the truth rather than some thing ~~if~~ different?

A: She tried to hire me to tell something I was not going to tell, something that was not the truth.

Q: On what day was this conversation you speak about?

A: Don't remember what day. Must have been when she come back from town.

Q: Who was present when that conversation took place?

(11)

A: My wife was.

Q: On what of the premises did this take place?

A: at the house.

Q: What time of day was it?

A: Why, when she came back and told what she told Irvine. I don't recollect what time it was; it was in the evening.

Q: After ~~Mrs. Dickenson~~ Mrs. Gilmer and her son and MR. Dickenson left the room on that Sunday afternoon before referred to, how long was it till Mrs. Dickenson left?

A: It was not but a little bit.

Q: Did she leave almost immediately, when Mrs. Gilmer called?

A: No.

Q: Is Mr. Dickenson subject to these moaning and cramping spells?

A: He cramps about all the time.

Q: Is it looked upon as a serious matter with him?

A: It looked like a dying man.

Q: Do you or do you not, go to him when he has these spells?

A: Yes.

Q: Did Mrs. Dickenson go?

A: Yes.

Q: Did she try to help him through the spell?

A: She seemed to be trying to show her tities more than anything else.

(The answer of the witness to that question objected to because vulgar and incredulous. Slemp)

Q: What time of night did this occur, this cramping spell?

A: I never noticed the clock. Before 12 I think. S^om^e times I had to get up before 12 and after 12.

R Further deponent sayeth not.

Signature waived.

Also the deposition of Mrs. Susan Coomer, who after being duly sworn, deposes as follows:

Mr. Slemp.

(12)

Q: State your age and where you live?

A: About 18. live in Turkey Cove, Lee County.

Q: Who is your husband?

A: Mart Coomer.

How long have you been married?

A: I don't know how long. Over a year.

Q: To refresh your memory, I will ask you were you not married about Christmas in the year 1901?

A: No I was not married then.

Q: Can you give us some idea as to when you were married?

A: The night before Christmas was a year ago.

Q: Where did you live before you were married?

A: Lived on the ridge. On Mr. Jones's place.

Q: Does that place adjoin the farm of Mr. Dickenson in the Cove.

A: Yes it joins that place it was a right smart piece from there.

Q: How far was it?

A: A mile.

Q: During the fall before you were married, were you not at Mr. Dickenson's house?

A: I passed there several times.

Q: Did you ever stop there?

A: I stopped there a few times.

Q: Did you ever spend a night there?

A: Yes I spent several nights there, but I don't know whether I spent a night there then or not.

Q: Did you ever work there for the Dickensons on that place during the Fall of 1901?

A: Yes.

Q: What was the matter of work?

A: I helped them pick apples and beans.

Q: Was Mrs. Dickenson there when you helped pick the beans?

A: Yes, they were all there then.

Q: Do you recall whether you spent a night or nights there dur-

(13)

-ing the bean picking time?

A: Yes sir.

Q: Did you help Mrs. Dickenson pick the beans?

A: I helped her one year, but I don't know what year it was.

Q: Do you or do you not remember helping Mrs. Dickenson when she brought her child along, the youngest one, to the field?

A: No I don't know whether I did or not. I think she brought the kid once.

Q: Was it the Fall immediately before you were married that this occurred?

A: I don't recollect whether it was or not.

Q: Do you recall the fact or do you not, as to whether you visited the Dickenson home to return an iron lapse and when you was there Mrs. Dickenson was making apple butter and you took the youngest child and nursed it?

A: I don't know whether it was the youngest child or not.

Q: Was it the fall before you were married that this occurred?

A: I don't know.

Q: Did Mr. Dickenson make some remarks to you about the youngest child and what it looked like?

A: I don't know whether the youngest child was there or not.

Q: Did you come by the Dickenson home on that same evening and go to preaching with the Dickensons that night?

A: Yes I went to preaching with them lots of nights, but I don't know whether I went that night or not.

Q: On Sunday May 17th, were you at home all the day?

A: No sir.

Q: How long did you stay at home that day?

A: I stayed at home until about 12.

Q: Did you stay until dinner or after dinner?

A: Stayed till after dinner.

Q: Who did you leave there?

A: I left Beck and Mart and Joe and Pap.

Q: Who did you find at home on your return?

(14)

A: Beck and Joe and the Children was there when I went back.

Q: What time did you return?

A: It was four oclock I reckon.

Q: Where did you go when you left that day?

A: Went to Johns Coomer's.

Q: How far is from your house to Johns Coomer's?

A: I don't know.

Q: How far would you estimate it?

A: It might be 1/2 mile. I know it aint a mile.

Q: When you returned to the house, where were Mr. and M^rs. Dⁱcken-
son and the children?

A: I aint certain whether they was all in the house or not.

xx Joe was in the house. He was in the room that we stayed in all
the time.

Q: Is that room the kitchen?

A: No sir.

Q: Did Joe go in the kitchen?

A: He went in the room I was in.

Q: Where was Mrs. Dickenson?

A: I don't know whether she was in the house or not. I think
she was in the hall.

Q: Was she in the all?

A: I don't remember.

Q: Did Mrs. Gilmer and Axley Gilmer visit your house that same
day?

A: I don't know whether it was that evening they were there one
evening.

Q: What evening was it when they was there.

A: I don't know.

Q: Don't you know whether they was there on Sunday evening?

Q: A: No.

Q: You know they were there on one evening; was it after your
supper or before your supper?

A: We had eat supper when they came

(15)

- A: We had eat supper when they came.
- Q: How long did they stay that evening ?
- A: It was 9 o'clock when they left.
- Q: When they left, who went with them?
- A: Joe went with them.
- Q: What became of Mrs. Dickenson?
- A: Mrs. Gilmer asked them both to go home with her, but Joe said that if Mrs. Dickenson went he would not go. and mrs. Dickenson said that if Joe did not want her to go she would not.
- Q: Did you hear Mrs. Gilmer call back and ask Mrs. Dickenson to come on?
- Q: A: No I don't recollect whether she did or not.
- Q: Did Mrs. Dickenson then leave the house?
- A: Yes.
- Q: How many minutes after Joe, Mrs. Gilmer and Axley had gone, till Mrs. Dickenson left the house?
- A: I don't know.
- Q: Did Mr. Dickenson come back that night?
- A: Yes sir.
- Q: Did Mrs. Dickenson come back that night?
- A: Yes.
- Q: How long was it before Mr. and Mrs. Dickenson came back to the house after they left?
- A: I don't know.
- Q: Did they come back together, or how did they come back?
- A: I don't know.
- Q: Did they come in the house together?
- A: I think Beck came in behind Joe.
- Q: As a matter of fact did she not come in holding to Joe's arm?
- A: I was talking to Mart and did not see.
- Q: Did she not say when she came in that she was holding to Joe's arm during the time of the return trip?
- *: (the foregoing question objected to because self serving and

(16)

--beacuse it is merely the of the defendant. Noel)

A: No sir. I don't remember whether she did or not.

Q: Do you recall about the time when M^r. Dickenson took up his residence at Frank Riddles?

A: ~~Ka~~ No I dont know when he went there to stay.

Q: How long has Mrs. Dickenson been staying at your house on her recent trip to this section?

A: Two weeks.

Q: Is she staying there now?

A: No sir.

Q: When did she leave?

A: She aint stayed there none since Tuesday night.

Q: During the two weeks that she stayed at your home, did Mr. Dickenson also stay there?

A: Yes some; I know he did not stay one night.

Q: Did you or your husband receive any letter from M^rs. Dickenson about coming down here?

A: She wrote me she was coming.

Q: Did you send anybody to the train to meet her?

A: Mart went to meet her.

Q: Was Joe Dickenson at home at the time Mart went to meet her?

A: He was ther that evening; he went to Riddles that night.

CROSS EXAMINATION.

NOEL.

Q: Since M^rs. Dickenson cam to your house, state where she slept and also where M^p. Dickenson slept during the time?

A: She slept in the room where we slept and Joe slept in the kitchen.

Q: State whether or not any night while they were both staying there, that Mrs. Dickenson went into the room where Joe was at and if so, state what she said.

(17)

A: Joe went to bed and was talking and going on in his sleep and she said she believed she would go in and sleep with Dickenson. She had not been in there a minute when I heard Joe wake and he cussed, wanted to know what in the Hell that meant and came in our room and put on his clothes and went out.

Q: Please state whether or not at any time since Mrs. Dickenson has been staying at your house, she has been trying to get you to swear that she and Joe bedded together and if so, tell what she said?

A: She told me that if I would swear that she and Joe slept together, she would give us a home as long as we wanted it there and that she would buy us a horse and cow.

Q: Did she say what would become of Joe.

A: Said he would get mad and leave.

Q: State whether she said what she had to buy a horse and cow with?

A: She said how much money she had; \$80. I believe.

Q: At the time you helped pick beans, was that the time your father lived on ~~Jack's~~ Dickenson's place?

A: No sir.

A: That was before you went on Joe's place?

A: Yes sir.

RE-DIRECT EXAMINATION.

SLEMP.

Q: The night you refer to that Mrs. Dickenson went into Mr. Dickenson's room, did not Mr. Dickenson have a cramp that night?

A: I was never up when Joe cramped, but they said he cramped at ~~h~~ nights.

Q: Did he cramp that night?

A: No. They said he cramped at Night.

Q: Did not Mrs. Dickenson tell you that she did not want you to

(18)

swear anything but the truth?

A: She said something of that kind and she wanted me to swear something that was not so, to.

A: Q: Was you not summoned in this case once before?

A: Yes, but the reason I did not want to come was because I did not want to tell it on her.

Q: You are also summoned to appear at Big Stone Gap, Saturday because you did not appear?

A: Yes.

Q: Did you not tell Mrs. Dickenson that if you testified against Joe, that he would get mad?

A: I did that to put her off.

Q: Did you not say that you did not want to testify in this case?

A: Yes. I did not want to have anything to do with it. I put her off as long as I could and at last told her I would not swear that they slept together.

Further deponent sayeth not.

The depositions of Will Coomer, Johnson Coomer, H. C. T. Reasor, Mrs. Susan Thacker and Dow Thacker, taken before me F. M. Clarkston a Justice of the Peace in and for the county of Lee, State of Virginia, at Turkey Cove Ceminary in said County on the 29th. day of May, 1903, between the hours of 9 A. M. and 6 P. M. and to be read in evidence in behalf of defendent in the Chancery suit now pending in Lee County, Virginia, wherein J. W. J. Dickenson is plaintiff and Rebecca H. Dickenson. Persons present J. W. J. Dickenson and J. C. Noel, his Attorney, and Rebecca H. Dickenson and R. T. Irvine her attorney.

J.P.

Q: Will Coomer, being first duly sworn, deposes as follows:

By Mr. Irvine.

Q: Please state your age, occupation and place of residence?

A: I am 32 years old; farmer; live at Turkey Cove, Lee County.

Q: Do you know J. W. J. Dickenson and Rebecca H. Dickenson his wife, parties to this suit?

A: Yes sir.

Q: How close did you live to them last Fall a year ago, to-wit: the Fall of 1901?

A: I guess it is something like a half mile or three quarters, something near about that.

Q: Were you at work on their land at that time?

A: Sir?

Q: Were you at work on their land at that time?

A: Their land you speak of? No sir, I ~~lived~~ was not working on their land. I lived right across on Whig Barkers place.

Q: How close to where they lived did you work?

A: Well, it was about the same I reckon; I tended down below about the same distance from their house where they lived.

Q: Who stayed during the Fall at Mr. Dickenson's house on his farm?

A: That fall I lived up their?

Q: That Fall a year ago, yes sir?

A: Well, Mrs. Dickenson did.

Q: Did you see Mr. Dickenson about the house that Fall?

A: Yes, I saw him there nights and mornings, feeding his hogs.

Q: Where was he staying, or purporting to stay the most of his time at nights that Fall?

A: Well, he claimed that he was staying at Mr. F. T. Riddle's.

Q: How early in the morning would you see Mr. Dickenson down at his place?

A: Well, very early, about daylight.

Q: State whether you would see him come out of the house about daylight?

A: Yes sir, I saw him come out of the house.

Q: State whether or not, he would come out of the house at that hour with his hat off?

(The foregoing question objected to, because leading as it could have been as easily asked the witness how the plaintiff came out of the house. Mr. Noel)

A: He came out bareheaded early in the morning.

Q: How late at nights would you see him there during that time?

A: Well along about sun down.

Q: State whether or not you at any time saw him there after dark?

A: No, I don't recollect seeing him there after dark.

Q: Was any one else staying, spending the nights at the house during that time except Mrs. Dickenson and her children?

A: No sir: not as I know of.

Q: Were you at Mr. Dickenson's house last Sunday was a week ago, on May 17th. 1903?

A: Yes sir:

Q: What time of day were you there?

A: Well, it was about 12 O'clock when I was there.

Q: How long did you stay?

A: I reckon I stayed about a couple of hours.

Q: Who was there when you got there?

A: Well, there was Dow Thacker and when I got there, his wife and Mart Coomer and Me and Mart and Dow went and set under Apple tree; Marts wife went off to Johnson Coomers and we went off directly and left Joe and Mrs. Dickenson in the house and he stayed in the house all the time with her and never came out where we were at. Marts wife went with my wife up there.

Q: What part of the house was Mr. Dickenson in?

A: He was in the kitchen where they were cooking dinner. He had'nt eat dinner when we went.

Q: Did they eat dinner while you was there?

A: Yes; I went out of the house while they was eating and sat under a tree.

Q: How long did your wife and Mrs. Mart Coomer leave the place before you and Mart and Dow Thacker left?

A: About an hour I guess.

Q: Had they returned before you all left?

A: Yes sir.

Q: Had they come back home?

A: No sir; they never come back until late in the evening.

Q: Who were left on the place after you and Mart and Dow went away?

A: Well, there was Mrs. Dickenson her two children and Joe.

Q: What are the ages of the two children?

A: Well sir, I could'nt tell you.

CROSS EXAMINATION:

by Mr. Noel.

Q: Mr. Coomer, at the time that Mr. Dickenson was said to be boarding with Frank Riddle the Fall of 1901, how far away from Mr. Dickenson's house did Mr. Riddle at that time, live?

A: Well, I guess something like three quarters of a mile.

Q: How far did Mr. Riddle live from where you lived?

A: Well, it was something like a quarter or maybe it might have been further.

Q: Where would you be at when you would see Mr. Dickenson coming out of the house of mornings?

A: Well, Mr. Cannah Collier who lives right out here, furnished me a horse to plow and I would come early to get me a horse.

Q: Then when you would see Mr. Dickenson?

A: Yes, I stir early, I don't lay in bed until sun up.

Q: Well, Mr. Dickenson could have sitred as early as you could he not?

A: Yes sir, I think he could.

Q: Then on those mornings which you seen him, he could have come from Mr. Riddles early as you could have come from home, could he not?

A: Yes sir:

Q: Along about that time Mr. Dickenson was hauling apples and other produce off to Big Stone Gap to market, was he not?

A: I don't know whether he was or not; I reckon he was though; I ain't certain.

Q: And would naturally rise early to go out on such trips as that would he not?

A: I could not tell whether he would or not.

Q: On last Sunday was a week ago, you speak about being at Mr. Bickensons house, having left there, nobody was there but Mr. Dickenson his wife and two children, while you were laying out under the apple tree, is it not a fact that while Mr. Dickenson was in the house, that the door was open, all the while?

A: Well, the side door was open, but the front door was not open.

Q: You said you left them in there eating dinner?

A: Yes sir, I went out under the shade tree.

Q: And you did not come back any more?

A: No sir; but I could hear them talking.

Q: Mrs. Dickenson had not been back here long at that time; been off some where, had she not?

A: Well, she had been in Russell county.

Q: And had her children with her did she not?

A: Yes Sir:

Q: And when she came back here, she brought the children with her, did she not?

A. Yes sir.

Q: Is it not a fact that Mr. Dickenson is very much attached to one of these children, the oldest Hensely as they call him; thinks a great deal of him, does he not?

A: I have never heard him say anything about it. I have heard him talk to both of them since they have been down here. One as much as the other.

Q: You did not undertake to say that on Last Sunday was a week ago that Joe Dickenson plaintiff and Mrs. Dickenson defendent, cohabited together?

A: Do how did you say?

Q: (Question repeated)

A: No sir, they was in the house together.

Q: and you don't undertake to state that in the Fall 1901, Joe and Mrs. Dickenson ^{cohabited} ~~was~~ together?

A; I saw them working together hauling corn to feed on.

Q: Well, you never saw them sleep together?

A: No sir.

Q: Please state where you had saw them hauling corn from after they had parted.

A: Up out of the ridge. I saw her helping one morning throwing corn in the cribs and helping feed the hogs.

Q: Did you merely see her helping unload corn?

A: I sw her up on the ridge with him hauling corn to feed his hogs on.

Qx

REDIRECT EXAMINATION.

Mr. Irvine.

Q: You have stated that Mr. Dickenson and his wife were in the

the kitchen together; please state whether or not there is a bed in the kitchen?

A: Yes, there is a bed in the kitchen.

Q: State whether or not you saw Mr. and Mrs. Dickenson sitting on the bed together?

A: No sir, I never saw them sitting on the bed together.

(Further deponent sayeth not. Signature waived.

Also the deposition of Johnson Coomer.

Statment by Mr. Noel:

I object to the testimony of Johnson Coomer being taken for this reason, because he was informed to leave the room while the other witnesses were testifying and the witness refused to do so and I ask you now either to fine him for his contempt or to refuse to take his testimony

Statement by Mr. Irvine:

At the time referred to by M^r. Noel, I did not know that I would introduce Mr. Johnson Coomer as I had not talked with him, but did ask him to step out of the room while the testimony of the first witness was being taken. Mr. Johnson Coomer had not been sworn as a witness and it was not then known that he would be a witness and the motion w to exclud his evidence is resisted on the ground that he was not ordered by the presiding magistrate to leave the house and the latter passed at the time the conversation above referred to was had as being an informal matter and it was not insisted on by Mr. Noel.

Statment by Mr. Noel:

Before the testimony of any witness was taken in this cause, I asked the presiding justice to put the witnesses under the rules and to have any person expected to be used as a witness, excluded from the hearing and Mr. Irvine told Mr. Johnson Coomer it might be that he wanted to use him as a witness and for him to step out of the ~~hearing~~ hearing of the said Wm. Coomer, and the witness

refused or failed to do so and this request was made in the presence of the presiding justice.

J. C. Noel for plaintiff.

Subject to the foregoing exception, the examination of the witness is proceeded with and Johnson Coomer, being first duly sworn, deposes as follows:

Mr. Irvine

Q: State your age, occupation and place of residence?

A: 34 years old, will be the 11th. of next October. farmer.
live in Lee County, Turkey Cove.

Q: Do you know the plaintiff and defendant in this suit?

A: Yes sir.

Q: Did you or not see them last week together on the place of the plaintiff J. W. J. Dickenson and if so, state what they were engaged in?

A: Yes I saw them; I believe it was either last Wednesday or Tuesday one, I aint certain which day, right below Jones' coming after a barrel of water. The two little kids were with them Tip spoke to Joe and asked if they had whiskey with them and Joe said no, they had to have water for the ducks, geeses, goslings and chickens.

Q: How far was that from Mr. Dickenson's house?

A: Well, I don't know exactly how fur it is. It is not a quarter of a mile.

DidQ: did they go back to the house together?

A: No sir. He went back to the house himself, he and that little boy, and she went up to the spring but did not take the other little kid with her to the spring, but put it over the fence until she went there and back.

Q: Did she then return to the house with the bucket of water?

A: Yes, she went on that way. I could not see the house from

where I was at.

CROSS EXAMINATION.

MR. NOEL.

Q: What time in the day Mr. Coomer, was it that you saw them after the water?

A: Well, it was along in the evening.

Q: Plain open way from Dickenson's house to the spring where they went for water?

A: Yes sir, very plain.,

Q: And all you saw was that they came up to the spring together?

A: No, they just went to the branch together.

Q: And she went on to the spring and got the water?

A: They filled the barrel up with water; told tip he was getting water for the ducks, chickens and goslings.

Q: Mart Coomer and his wife live in the house with Mr. Dickenson do they not, and have been for more than a year?

A: No sir.

Well, how long have they been there?

A: Well, I don't know.

Q: ~~How long before~~ before Christmas, 1902?

A: Yes sir.

Also the deposition of H. C. T. Reasor, who being first duly sworn, deposes as follows:

Mr. Irvine.

Q: State your age, occupation and place of residence?

A: I am 40 years old; live at Turkey Cove, Lee County; am a farmer

Q: Do you know the parties to this suit?

A: Yes sir.

Q: State whether or not you saw them together on Mr. Dickenson's place last week? and if so, what they were engaged in?

A: One day last week I ~~xxx~~ saw Mr. Dickenson and his wife and two children came out from towards his house out to the branch with a barrel on a sled and said they were after water for the ducks and chickens.

Q: Did they get the water?

A: Yes sir.

Q: How far was that from Mr. Dickenson's house?

A: Well, I suppose somewhere about 1/4 of a mile.

Q: Did they then go back to the house?

A: I could not say; I believe that they were putting water in the barrel and afterwards, I was putting up fence and went up to Mr. Jones and I think Mrs. Dickenson was going from the spring I don't know.

Q: Do I understand you to say that you saw Mr. Dickenson take the barrel of water back to the house on a sled and Mrs. Dickenson get a bucket of water and take it back to the house? Is that correct?

Q A: No, I don't think I said I saw them go back but I saw Mrs. Dickenson go up to Jones spring and get a Bucket of water and she was coming back. I that was the last I seen of them.

Q: Do you know where Mart Coomer was at that time?

A: I don't know where he was at that time.

Q: Do you know where he was later that evening?

A: Well, later on in the evening I seen him coming out of the ridge with a horse, up where he was tending some corn, I suppose that was what he was doing.

Q: (that part of the answer where the witness tells he supposes I object to. Noel.)

Q: Do you know where Mart Coomer's wife was at that time?

A: I don't know where she was at the time they were getting water.

Q: State whether or not you saw he leave Mr. Dickenson's house shortly before or shortly after you saw them together after

this water?

A: Well, I did not see her leave Mr. Dickenson's house. I seen her somewher half hour or an hour before ~~xxxx~~ they came after water, saw her coming from toward Mr. Dickenson's house. I think she wer e up to Mr. Jones. I don't know where she went. Never paid any attention to her after she went from there.

Q: Did you or not have ay conversation on that occasion with mr. Dickenson about ~~anything~~ making up with his wife and if so, state what it was?

A: It seems to me that I asked him something to that amount.

I don't know what answer he gave me but I believe he said "she is here, or something to that amount. I think that is what he said.

Q: Do you recall whether that was on the occasion they were hauling water or not?

A: No sir, I can't say whether it was or not; ain't certain.

CROSS EXAMINATION.

NOEL.

Q: The vening you saw Mr. Dickenson and wife going after the barrel of water, was the occasion on which Johnson was with you was it not?

AL Me and Johns Coomer were making fence right close to there.

Q: It was in broad daylight?

A: Yes sir.

Q Something about the middle of the evening?

A: Yes sir.

Q: Plain open way from Mr. Dickenson's house to where they got the water?

A: Road; yes sir.x

Q: And the two children were with them?

A: Yes sir.

Q: About what age is the oldest child?

A: Don't know.

Q: Judging from his size, about how old would you take him to be?

A: Judging from his size, about 8 year old.

REDIRECT EXAMINATION.

MR. IRVINE.

Q: Judging by the looks of the child, how old would you say it is?

A: About the same.

Also the deposition of Mrs. Susan Thacker, who being first duly sworn, deposes as follows:

By Mr. Irvine.

Q: Please state your age and place of residence?

A: I don't know sir, exactly.

Q: Please state as near as you can?

A: About 26 I guess.

Q: You live in Turkey Cove, Lee County, do you not?

A: Yes sir.

Q: Do you know the age of Mr. and Mrs. Dickenson's oldest child?

A: Five years old.

Q: Do you know when it was five years old?

A: Last March, I think.

Q: Did you live near Mrs. Dickenson's last Fall a year ago?

A: Yes sir, we lived not very far from them.

Q: About how far did you live?

A: We lived right above Mr. Jones and they lived here on the ridge.

Q: About how far would that be?

A: Not more than a mile or a mile and a half.

Q: You are the wife of Dow Thacker are you not?

A: Yes sir.

Q: State whether or not last fall a year ago, Mr. Dickenson stayed there at the house any at nights with Mrs. Dickenson?

A: Don't know about the staying there of nights.

Q: Did he stay there at any other time?

A: He was there every day. He came up there and got me to help him gather peaches.

Q: How early in the morning would you see Mr. Dickenson about the place?

A: Tolerable early.

Q: State whether or not it would be before sun up?

Q: Can you state Mrs. Thacker, whether it would be before sun up or not?

A: I don't know.

Q: How late at nights would you see Mr. Dickenson about there?

A: (Mrs. Coomer, answer the question. Noel)

A: I don't know; I don't recollect nothing about it. I never was there nights.

Q: Did you ever see Mr. and Mrs. Dickenson that fall hauling corn together?

A: No sir.

Q: Did you see them doing any work together?

A: Nothing only picking up apples I think.

CROSS EXAMINATION.

MR. NOEL.

Q: What time in the Fall Mrs. Thacker, was it you saw them picking up apples together?

A: Late in the fall.

Q: In what year was Henseley, the oldest child of Mrs. Dickenson born?

A: I don't know.

Q: In what year was last fall, a year ago.

A: 1901.

Q: If you don't know in what year Henseley was born, how do you know him to be five years old?

A: Because he was a year old when we moved up there and that is how I know.

Q: Well, in what year did you move up there?

Q: Can't you answer?

A: No sir I don't recollect.

Further deponent sayeth not.

Also the deposition of Dow Thacker, who first being duly sworn, deposes as follows:

By Mr. Irvine.

Q: Please state your age occupation and place of residence?

A: I am 44 years old; farmer; Lee County, Turkey Cove.

Q: Do you know the parties to this suit, J. W. J. Dickenson and his wife, Rebecca H. Dickenson.

A: Yes, I lived with them two years.

Q: What two years did you live with them?

A: I have been off two years.

Q: Where were you living last Fall a year ago, in the Fall of 1901?

A: Living on Jones Land.

Q: How near to Mr. Dickenson's house was that?

A: I guess it was close to a mile or three quarters.

Q: Do you know whether Mr. Dickenson stayed there that Fall at nights or not?

A: I don't know whether he stayed there at night or not. I went there one morning to half sole some sleds before breakfast and Mr. Dickenson was there and I asked him what made him so late and he said he over slept himself.

Q: Did he eat breakfast there that morning with Mrs. Dickenson?

A: Yes sir.

Q: Did you see him and Mrs. Dickenson gathering corn together or hauling corn together that Fall?

(Question object to because leading. Noel.)
A: Yes sir.

Q: Did you see them doing any work together on the place that Fall?

A: (the foregoing question objected to ~~he~~ for reasons stated in preceeding question. Noel.)

A: No I don't believe I seed them doing any work together.

Q: Were you at Mr. Dickenson's house last Sunday was a week ago, May 17th. 1903?

A: Yes, I was there.

Q: What time of day did you go there?

A: I went there on Saturday evening. I don't know what time of day it was when I got there. it was late though. Left there Sunday evening.

Q: What other persons if any, were there on Sunday evening?

A: Noboday when I left there, except Joe Dickenson and his wife and children.

Q: Was Mrs. Dickenson staying there at the house?

A: Yes sir.

Q: Was she or not staying there during the whole time you were there?

A: Yes sir; she stayed there what time I was there.

Q: What other people besides Mr. and M^{rs}. Dickenson and the children were there before you left Sunday evening?

A: Will Coomer was there. He left though, when I came off.

Q: He left with you?

A: Yes sir.

Q: Was nobody else there?

A: John Coomer was there in the morning, him and Crock Jones.

Q: To refresh your memory, I will ask you if Mart Coomer and his wife were not also there?

A: Yes they were there.

Q: What became of them that Sunday evening?

A: Marts wife went up to Johns Coomers. Mart said he was going to Sam Coomers.

Q: Did he leave the place while you were there?

A: No, I left him there when I left.

Q: Do you know whether he went to Sam Coomers?

A: No I don't know whether he went or not. Joe Dickenson said he went.

(That part of the answer which undertakes to detail what Joe Dickenson says objected to because not responsive to the question. Noel.)

Q: I will now ask you the question whether or not, plaintiff J. W. J. Dickenson said anything to you about Mart Coomer having gone away that afternoon and if so, what he said?

A: I don't remember what we were talking about when he told me that Mart went to Sams.

Q: By way of refreshing your memory, I will ask you if Mart Coomer on that occasion, did not go off down in the orchard or in that direction with you and Will Coomer when you left the house?

A: No sir.

Q: Did he go either with you or Will Coomer, or by himself?

A: No he started off, and me and Will to the best of my recollection, he started ~~ka~~ off like he was going to Joes Orchard there at the house. I come off me and Will. He said he was going to Sam Coomers when I started.

Q: If I understand you, he did start off in the direction of Sam Coomer as you started; is that correct.

A: Yes sir.

Q: Where were Mr. and Mrs. Dickenson when you left?

A: They was in the house.

Q: In what room of the house?

A: They was in the kitchen.

Q: State whether or not there is a bed in the Kitchen?

A: Yes sir, there is a bed in the kitchen.

Q: Do you know how long Mrs. Dickenson had been staying there before you came there on Saturday evening?

A: No I don't know how long she had stayed there.

Q: Do you know how long she stayed there after you had left?

A: No sir.

Q: Do you know the age of Mr. and Mrs. Dickenson's oldest child?

A: It is five years old, Mr. Dickenson told me last Sunday.

Q: How old was the child, judging from its appearance, when you went to Mr. Dickenson's house to live, four years ago?

A: About one year old I reckon.

CROSS EXAMINATION.

Mr. Noel.

Q: On the Sunday after you say that you stayed all night at Mr. Dickenson's on Saturday night and left with Will Coomer on the Sunday evening, you was at John Shulers house on Wall Reasors land land ~~where~~ were you not?

A: Was I there?

Q: Yes?

A: The Sunday I left Joe, the Sunday after that? Yes I was there on to.

Q: On that occasion did you not say in the presence of John Shuler and John Shulers wife and Joe Shuler, that Mrs. Dickenson had been talking to you and trying to get you to swear that you saw Joe Dickenson eat breakfast at his house with her and that you told her that you had not seen it and that you would not swear anything of the sort, or words to that effect?

A: I did not state it over there. I was not sworn over at Joe Shulers.

Q: Did you not say on that occasion ~~that~~ at John Shulers house, that Mrs. Dickenson tried to get you to say that you saw him eat breakfast there at ^{his} ~~your~~ house with her on the morning that you ~~fixed~~ fixed the sled and did not you say in the presence of John Shuler his wife and Joe Shuler that you told her that Joe Dickenson was not there the morning that you fixed the sled and that you never did see him eat breakfast there, or words to that effect?

A: I seed him eat breakfast there several times. I never told no seech.

Q: On the occasion that you say you fixed the sled or half soled the sled, how came you to ask Joe Dickenson why he was so late, what made him so late?

A: Because I went there so soon.

Q: How soon would you go there.

A: I went there soon.

Q: How early would you go there?

A: I went there soon enough that they had not eat breakfast.

Q: Did you go there before day light, or after daylight?

A: No sir I did not go there before day light.

Q: Did you go there before sun up?

A: Yes sir.

Q: What year was that?

A: It was the year that he and his wife split up.

Q: Well, what year was that, do you know?

A: I don't know that I have to answer any of your questions.

Q: I will again ask you what year was it that you ~~fix~~ fixed the sled?

A: I reckon it was the first year that I moved to Mr. Jones.

Q: Well, what was the first year you say you moved to Mr. Jones?

A: It has been two years ago.

Q: Well, do you know in what year you moved to Mr. Jones.

A: No sir.

Q: What time of year did you move to Mr. Jones's?

A: Moved there in March.

Q: Moved there in March?

A: Yes sir.

Q: How long had you been living at Mr. Jones when you fixed the sled?

A: I fixed them in the Fall after I moved there?

Q: Well, what time in the fall was it?

A: Corn gathering time.

The further taking of these depositions is hereby adjourned to June 4th. 1903, at the same time and place.

Lee Circuit Court.

Dickenson,

v.

Affidavit of D. S. Reasor, Jr.

Dickenson.

Affiant, D. S. Reasor, Jr., states that he is about 27 years of age, and resides in the Turkey Cove in Lee County, Virginia, and is a constable of said county in the district in which Turkey Cove is situated; that he lives near the plaintiff J. W. J. Dickenson, and is acquainted with the land owned or claimed by the said Dickenson, and with the property of said Dickenson; and further states that he has read the affidavit this day made in said cause by P. M. Reasor and that the statements made in said affidavit are the facts with reference to the property and financial condition of the plaintiff J. W. J. Dickenson, ^{and his wife} as affiant verily believes.

D. S. Reasor, Jr.

Subscribed and sworn to before me ~~in my capacity as~~ a Notary Public for the County of Lee, Virginia, this the 11th. day of July, 1902.

Mayo Cabell.

Notary Public.

Notary Public.

day of July, 1905.

Notary Public for the County of Lee, Virginia, this the 11th.

Subscribed and sworn to before me ~~for my~~ ~~own~~ ~~signature~~ a

J. W. J. Dickenson, an efficient verily believes.

Dickenson
Affidavit of
D. S. Reason, Jr.
Dickenson.
Reference to the property and financial condition of the Plaintiff
and the statements made in said affidavit are the facts with
he has read the affidavit this day made in said cause by P. M. Reason
and with the property of said Dickenson; and further states that
is connected with the land owned or claimed by the said Dickenson,
situated near the Plaintiff J. W. J. Dickenson, and
one place in the district in which Turkey Cove is
and resides in the Turkey Cove in Lee County, Virginia, and is a
Plaintiff, D. S. Reason, states that he is about 25 years of age,

Dickenson.

A.

Affidavit of D. S. Reason.

Dickenson.

Lee Circuit Court.

Lee Circuit Court.

Dickenson,

v. Affidavit of P. M. Reasor.

Dickenson.

Affiant, P. M. Reasor, states that he is 44 years of age, and resides in the Turkey Cove in Lee County near the plaintiff J. W. J. Dickenson, and is acquainted with the land owned and claimed by the said Dickenson, and with the other property of the said Dickenson; and further states that the said Dickenson resides upon and has for several years resided upon a tract of land owned or claimed by him, and deeded to him by G. C. Gilmer and wife, which land contains, as he is informed and believes, about 62 acres; that said land is good farming land, about an average of the Turkey Cove land, which embraces among the best farming lands of Lee County; that said land is in a good condition of improvement and cultivation; that it is all cleared and in cultivation or in grass except some 6 or 10 acres, which is woodland; that there is at the present time a good crop growing on the said land; that said Dickenson owns some live-stock, farming utensils and household plunder, and affiant is informed and believes that he has a fair amount of ready money; that affiant does not know of any encumbrances on said land, or of any debts owed by said Dickenson, and does not think there are any, or, if so, they are of small amount. *That the wife of said Dickenson has no means of any kind so far as affiant knows.*

P. M. Reasor

Subscribed and sworn to before me, a Notary Public for Lee County, Virginia, this the 11th. day of July, 1902/

Mayo Cabell

Notary Public.

Notary Public

Know all men by these presents, that I, the undersigned,

do hereby certify that the within and foregoing is a true and correct copy of the

Dickinson,
Affidavit of
P. M. Mason,
Dickinson,

and that the same is a true and correct copy of the

original on file in my office, and that I am a Notary Public for the State of

North Dakota, and that I am duly qualified to administer oaths and to take

affidavits, and that I am a member of the Notary Public Association of the State of

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To The Sheriff, or any Constable of
Lee County, Greeting:

I hereby command you
that you summon Henry Pruitt,
C. M. Slump, Pat Shemp, and Lee
Boomer, ^{Jack Coomer, John} and Alf Slump, to appear
^{on the 28th day of November 1902}
at the Residence of F. M. Clarkston, to
give evidence on behalf of the plain-
tiff in a certain suit in chancery de-
pending in the circuit court for Lee
County, wherein J. W. S. Dickinson is
plaintiff and R. H. Dickinson is de-
fendant, and this they shall in
no wise omit in the penalty of one
hundred dollars.

Given under my hand this 24th
day of November, 1902.

L. F. Ryan, Comy in
Chancery for said court.

J. W. J. Dickinson
v { In Chy.

R. H. Dickinson

Spa. for Witness

Executed by summon-
ing all six of the within
named witnesses this
July at or 25, 1902. &
by paying each of them
fees for attendance which
fees were furnished me
by plff. but Lee Coomer
refused to accept the
\$50 which I offered him
and said he would not
attend.

D. S. Reesor, C. J. C.

Virginia, Lee County, Court:

To the Sheriff, or any Constable of said County:

I hereby command you in the name of the Commonwealth of Virginia to summon ^{Floyd Biddle and} ~~James D. Young~~ A. J. Collins, to appear before me at the Seminary school house in said County, at 2 o'clock P.M. on the 6 day of Feb. 1903, to depose and the truth to speak ^{to be read as evidence} in a certain cause depending in the Circuit Court of Lee County, Virginia in which J. W. J. Dickerson is plaintiff, and Rebecca H. Dickerson is defendant, and which evidence is to be taken before me a Justice of said County. And this they will in no wise omit under penalty of \$20⁰⁰.

Given under my hand this 6 day of Feb. 1903.

J. M. Blackston, J. P.

Executed by
summons the
with a witness
and paying A. J. Collins
his attendance
This Feb 6 / 1903
D. S. Benson, C. C.

The Commonwealth of Virginia,

Washington
To the Sheriff of the County of ~~Lee~~, Greeting:

WE COMMAND YOU, That you summon

Rebecca H. Dickinson

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held for the
said court, on the *3rd* Monday in *May* 190*2*, to answer a bill in
chancery exhibited against *her* in our said court by

J. W. J. Dickinson

And have then there this writ. Witness, A. B. Munsey, Clerk of our said Court, at the court-house,

the *12th* day of *May* 190*2*, and in the *12^{6th}* year of the Common-
wealth.

A copy, Teste:

A. B. Munsey Clerk.

By *B. M. Morgan* Clerk.

J W J Dickinson
VS. } SUBPOENA
IN CHANCERY.

Rebecca H Dickinson

L. T. Hyatt p. q.

To 2nd May Rules.
Lee Circuit Court.

Executed by delivering
an office copy of this
within space to
Rebecca H Dickinson
in Washington County Va
May 14th 1902
J W Mortonsmith SMC

sheriff fee paid